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## Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, today give our Senators the second wind of Your passion, power, and perseverance. Fill them with the assurance of Your presence. May they seek to live with the knowledge that You have chosen them to serve You and country. Protect their thoughts and actions from temptation as You control all they say and do by the power of Your spirit. May their lives bring glory to Your Name. Lord, remind them that they pass through this life but once, so that they must not take this day for granted but live to honor You.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable PATRICK J. LEAHY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, would the Chair announce the business of the day.

### SCHEDULE

The PRESIDENT pro tempore. Mr. President, under the previous order, the leadership time is reserved. Under the previous order, the Senate will be in a period of morning business until 1:30 p.m. for debate only, with Senators permitted to speak therein for up to 10 minutes each.

Mr. DURBIN. Mr. President, it is my understanding that the majority leader is going to yield the floor to me at this moment.

The PRESIDENT pro tempore. The Senator from Illinois.

### CONGRATULATING THE MAJORITY LEADER

Mr. DURBIN. Mr. President, the State of Nevada was admitted to the Union in 1864. Since 1864 there have been 25 Senators in its 148-year history. Today HARRY MASON REID becomes the longest serving Member of Congress in the history of the State of Nevada.

Senator REID was elected to the U.S. House of Representatives the same year I was elected, 1982, and became a Member of the House in 1983. He became a Member of the Senate in 1987. He has served with great distinction in both Houses of Congress, serving his State of Nevada, and today is the highest ranking Democrat in the Senate, serving as its majority leader.

I daresay, Mr. President, that you and I would probably not really know anything about the town of Searchlight, NV, were it not for HARRY REID. HARRY REID has told us so many stories of his youth and his background in that tiny town and what brought him to this station in life today. I almost feel that if there were a town or high school reunion, I could attend it with HARRY and look around and recognize a lot of people there because I have certainly heard a lot of stories about his youth and the people who have had a dramatic impact on his life from the time he was growing up in Searchlight, NV.

We know he came from modest circumstances. His family raised him in a very small home without indoor plumbing. He attended a two-room elementary school in Searchlight, NV. As a child, Senator REID's father was a hard rock miner and his mother took in laundry. He says of his parents that

his father gave him quiet and his mother gave him confidence.

Opportunities were scarce in Searchlight, but HARRY made the most of what he had. His book "The Good Fight" has a great opening paragraph that I would like to share with everyone because it says so much about what life must have been like in the town of Searchlight.

HARRY wrote in his book:

I come from a mining town. But by the time I came along—December 22, 1939—the leading industry in my hometown of Searchlight, NV, was no longer mining, it was prostitution. I don't exaggerate. There was a local law that said you could not have a house of prostitution or a place that served alcohol within so many feet of a school. Once, when it was determined that one of the clubs was in violation of the law, they moved the school.

It says a lot about Searchlight. It also says a lot about the circumstances he faced growing up. He made the most of what he had.

Between hitchhiking more than 40 miles and staying with extended relatives, HARRY was able to attend Basic High School, the nearest high school to Searchlight. While at Basic High in Henderson, he met two people who dramatically changed his life—Landra Gould, who would become his wife of 53 years and counting, and Mike O'Callaghan, who was a coach, a teacher, a mentor, and a friend. HARRY REID said of Mike O'Callaghan that he was the toughest man he ever met.

HARRY REID played high school baseball with Rey Martinez, who would become his chief of staff, and Donnie Wilson, who would also go to work for REID in Washington.

I once invited "Mr. Cub," Ernie Banks, to my office, and I invited HARRY REID—a former baseball player in his youth—to come up and meet Ernie Banks.

Ernie Banks looked in his eye and said: What position did you play, HARRY?

HARRY said: I played catcher.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Ernie Banks said: I don't believe it. Get in the position.

At that point, I heard the bones creaking as HARRY went down in the catcher's crouch in my office in front of Ernie Banks, and we all cheered.

He won his first election in high school when he ran for junior class treasurer. Of course he would win because Landra, his wife-to-be, wrote his speech and got him elected. Rey Martinez managed his campaign when he became the senior class president.

He also ran into the fellow I mentioned earlier, Mike O'Callaghan, who had such a profound impact on his personal and political life. Behind HARRY'S desk, he has a picture of his friend and mentor Governor O'Callaghan.

HARRY REID also took up boxing after he was inspired by Mike O'Callaghan—as I said, the toughest man he ever met, in HARRY'S memory.

In his book "The Good Fight," HARRY said:

There are sluggers, and then there are boxers. I became a pretty good boxer. I could assess situations well, and I learned to recognize and exploit an opposing fighter's weaknesses. I could hit hard, and I could take a punch.

Mr. President, you and I know that is a perfect background for the business we are in today.

With scholarship money Mike O'Callaghan had helped put together for him, HARRY REID left for the College of Southern Utah in Cedar City. He hated being so far away from Landra, so he moved back to Henderson for the summer.

Despite the best efforts of Landra's father to discourage him, HARRY married Landra. They eloped in September of 1959. The newly married couple moved to Logan, UT, where he would finish college while renting from a loving Mormon family, Matthew and Louise Bird. HARRY REID and Landra decided to join the Church of Jesus Christ of Latter Day Saints based on this wonderful family who served as their landlords. He told me many times that he didn't come from a religious family. In his book, he said that the only family religion he remembered was their devotion and love for Franklin Delano Roosevelt in his house.

Mike O'Callaghan left teaching high school for Democratic politics at that point, and he urged HARRY to move to Washington, DC, to attend law school. HARRY REID put himself through law school by working nights as a U.S. Capitol police officer. In his book are pictures of HARRY in uniform as a Capitol police officer—a job that O'Callaghan had helped line up for him—when he was a law student.

He returned to Nevada after law school and served as Henderson city attorney before being elected to the Nevada Assembly in 1968.

In 1970, at age 30, HARRY REID ran for Lieutenant Governor of Nevada, with his friend and mentor Mike O'Callaghan running for Governor. They won the race, and HARRY REID

served as Lieutenant Governor from 1971 until 1974, becoming a friend to my mentor Paul Simon, who was then Lieutenant Governor of Illinois.

HARRY lost his race for the U.S. Senate in 1974 when the seat was vacated by Alan Bible, but he lost by fewer than 600 votes. Governor O'Callaghan then asked him to serve as chairman of the Nevada Gaming Commission.

When Nevada's population growth led to an additional seat in Congress in 1982, HARRY REID ran for the new seat and won, and that is when I first met him. He served two terms in the House from 1983 to 1987 before running for the Senate. In 1986 REID won the Democratic nomination for the Senate seat of retiring two-term incumbent Republican Senator Paul Laxalt.

From 1999 to 2005 HARRY REID served as Senate Democratic whip, as minority whip from 1999 to 2001 and again 2003 to 2005, and then as majority whip from 2001 to 2003. During those years as whip, HARRY REID lived on the floor of the Senate. He developed a real understanding not just of the rules and procedures of the Senate but of the institution and the Members.

Mike O'Callaghan died of a heart attack while attending daily Catholic mass in 2004, so he didn't live to see his good friend elected as minority leader in 2005 or, obviously, as majority leader in the Senate. But I know that every single day HARRY serves in public life, Mike O'Callaghan is in his heart.

I listened this morning to some of the analysts about what just happened with this historic vote yesterday in the Senate. Some of them this morning, who know a little bit about what really happens here, were diminishing the role played by HARRY REID. I can tell everyone that on the day leading up to the vote, the last day, December 31, I spent the better part of 16 hours in HARRY'S office as the negotiations went back and forth. There were three parties to that negotiation: Senator MCCONNELL, the President of the United States, and HARRY REID. There was not a minute that passed that e-mails were not transferred back and forth to put together the coalition that passed this historic measure and avoided the economic disaster that otherwise would have occurred. It was not the first time I have seen HARRY in that position—behind closed doors, without a lot of fanfare, playing a critical role in the passage of legislation that really makes a difference for the average working families of America.

A few years ago I worked with him as he led the effort to pass the Health Care Reform Act, a measure on which I believe he shares my thinking—it is one of the most important pieces of legislation we have ever worked on in our lives. It never, ever would have become law if it were not for his skill, determination, and the trust the Democratic majority had in their leader, HARRY REID.

This is a day, of course, in Nevada history as much as American history

as HARRY becomes the longest serving Congressman and Senator in the State of Nevada.

I recall one particular visit to his office. I dropped in frequently there to see what was going on and to chat with him about the business of the Senate and life itself. When I came in, I saw a young rock group called the Killers sitting in his office. Yes, that is their name, the Killers, and they are from Nevada. HARRY told me this young group, popular as they are in other places, was especially popular in Nevada because they performed the Nevada State song, which is entitled "Home Means Nevada." When I think about this historic moment today when HARRY becomes part of the history of his State, I recall one stanza from that song. It says, "Deep in the heart of the golden west, home means Nevada to me." In all of my conversations over all the years, time and again the conversations always return to his home State of Nevada, his hometown of Searchlight, and the people he loves so much to represent in the Senate.

It has been an honor to serve with this great man. I am glad he achieved this great moment in history on behalf of Nevada and the United States.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. No one would believe this, but I did not know Senator DURBIN was going to say a word. Most of what he said is unimportant, but I appreciate his efforts to try to make me better than what I am. I really do appreciate his friendship.

We came as a couple of anxious people to the House of Representatives 30 years ago. Speaking for both of us—and I can do that—it was such a wonderful experience. During the first 3 or 4 months I was in the House of Representatives, I kept thinking I was going to have to pay somebody because I was having such a good time. It took me a while to figure out that the taxpayers were paying me for doing a job that was so much fun.

I appreciate very much Senator DURBIN'S friendship. I so admire and appreciate him for all he has done for me, the State of Illinois, and the country. He is absolutely right about this—he had a mentor by the name of Paul Simon who had the good fortune to serve, as we were both Lieutenant Governors at or near the same time. We served in the House of Representatives together and we served in the Senate together. What a wonderful human being. Senator DURBIN and I have talked about this. Senator Simon was to DICK DURBIN what Mike O'Callaghan was to me. He was not only the toughest man I ever knew but the most honest. When he would drive, he would never, ever exceed a posted speed limit. He is somebody whom I will always remember. I could never be like him.

In addition to being tough and honest, he could swear like no one we have ever heard, but only he could do it, this massive man who had almost 200 amateur fights before going to Korea and

losing his leg. He was such an exemplary person in my life. So I appreciate Senator DURBIN mentioning him. But to me, he was like this great man Paul Simon. I don't know how many books he ended up writing. I am sure it is 15 or 20. He never went to college. He was a brilliant man. So I thank Senator DURBIN very much. I appreciate it a lot.

#### HELPING THE VICTIMS OF HURRICANE SANDY

Mr. REID. Mr. President, I am stunned by what didn't happen in the House of Representatives last night. I appreciate that they, with the support of all but a handful of Democrats and just a handful of Republicans, passed something to keep us from going over the fiscal cliff, and that is admirable. NANCY PELOSI deserves such accolades for carrying more than her share of the weight over there in passing this bill. But one of the things they didn't do last night—I wish to read into the RECORD a letter, an e-mail, from a person by the name of Barrie Kolstein, K-O-L-S-T-E-I-N:

Owner of perhaps the oldest and one of the most recognized violinmaking shops in the United States, located in Baldwin, New York.

Shop was severely damaged by recent hurricane Sandy. Owned buildings and occupied them for over 32 years without any problems at all.

This storm compromised my building inside and outside, with facilities within the building backing up, pipe breakage and roof damage, plus the horrid conditions that literally assaulted all the buildings in my immediate area.

Storm decimated my building as well as the neighboring buildings that perhaps was one of the more stable and viable business areas of Baldwin.

My shop has been closed since the storm.

We are doing our best to afford the restoration of the building and repair the numerous fine old pedigree string instruments (violins, violas, cellos and basses) that were so horribly damaged.

We lost machinery, tools, supplies and most of our filed records.

This is a true nightmare, that at the age of 63, I never thought I would be faced with.

There are tens of thousands of people in New York, tens of thousands of people in New Jersey, and other parts of the Northeast who have had their lives turned upside down. I am dismayed and saddened that the House of Representatives walked away last night—didn't even touch this—after we spent so much time here on the floor doing something to help a beleaguered part of our country. I was happy to help with Katrina. I was happy to help with the violent storm that hit Joplin, MO. We all were. We moved in quickly.

It has been months now and these people are still suffering. Governor Cuomo and Governor Christie have done their best with the limited resources that are available when a disaster such as this occurs. This is known in the law as an act of God. No one knew it was coming. No one had

any idea this terrible storm would do the damage it did. It was the perfect storm because we had different elements working against each other to create this terrible situation.

So, I repeat, I am dismayed and saddened the House of Representatives adjourned last night without addressing the pressing needs of these people. There are still hundreds of thousands of people who don't have a place to live, whose homes and businesses were damaged or destroyed, as I have indicated from Mr. Kolstein, by this terrible disaster. It is heartbreaking to leave these victims of Sandy stranded and waiting for help.

This storm damaged or destroyed more than 700,000 homes in New York and New Jersey and New England. We have the power to help our countrymen put their lives back together. We did it here in the Senate. We sent it to the House of Representatives, but they walked away, just as they did with postal reform and just as they did with agricultural reform, our farm bill, and just as they have walked away from so many different things this year. They left these people without help. They are gone; they have left; they are not in Washington. I am disappointed we have turned our backs—and I don't include myself in this operation, or anyone in this Senate; we worked on a bipartisan basis to get this done, but I am deeply disappointed the House of Representatives has turned their backs on people who are suffering.

Please understand, everybody, this does not include the leadership of Leader PELOSI or Leader HOYER. They have done their best to gather their troops to help at any time for anything that is needed.

To walk away from these people is not who we should be as Americans. Wintertime is now here. When disaster strikes, be it fire, flood, storm, or earthquake, we in the past haven't paused and we don't delay, but we have here. As Americans, we respond with haste at a national level when American lives are at stake and American communities are shattered. It is no wonder how people feel about Congress: They just left town.

They need to do better over there. We should have a postal reform bill. We should have a farm bill. The farm bill, by the way, saves \$24 billion—not million but billion. DEBBIE STABENOW, the chairman of the Agriculture Committee, worked so hard to get this done. We had a bipartisan bill that passed the Senate overwhelmingly. Why did the House of Representatives drop it? Well, they dropped it because the same porkbarrel programs that help people who don't need help in that farm program were taken out of the bill. So now we are on a short-term extension. The benefits these people don't deserve they are still getting.

They need to do better over there. Compromise is hard; we know that. Sometimes compromise doesn't happen when we want it. Compromise some-

times doesn't satisfy either side. But as I have said here and other places, when I practiced law, we had the concept it was a good settlement when both sides walked out unhappy, having reached a settlement, and that is what we did here the night before last. Actually, it was yesterday, because it was well after midnight. It was a piece of legislation we weren't all elated about, but it moved the ball forward.

We have so many more hard decisions to make in the year ahead. So unlike others behind us in this Capitol, I am not going to stoop to name-calling; I just want people to work and do what they need to do. Let the House of Representatives work its will. Let Democrats and Republicans in the House of Representatives debate. They have an easier time of it because they can set rules on how to debate. They have the Rules Committee where they can set how long they debate and on what subjects, but let the body work its will, which hasn't happened.

It is a sad day when we turn our backs on millions of our fellow Americans during their time of greatest need, and that certainly is what has happened here.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Vermont.

Mr. LEAHY. Mr. President, I know the distinguished majority leader is about to propound a unanimous consent request. I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONGRATULATING THE MAJORITY LEADER

Mr. LEAHY. Mr. President, the majority leader is not a person to praise himself, but I will.

I totally agree with the comments he made about how the session has virtually ended.

It is only in recent times that I find myself presiding as often as I have because of other circumstances, and I am glad I was here to open the Senate today to hear the distinguished senior Senator from Illinois speak about the distinguished senior Senator from Nevada. We first met when he was running for the Senate seat at a campaign event in another State. We worked together at that time and became friends, and from that day on we have actually spoken many times with our wives about that meeting in Florida.

I consider it a privilege that I was on the floor today to hear the words of the Senator from Illinois and I join in praising my friend from Nevada. He is a dear and wonderful friend. His wife and my wife are dear wonderful friends. We both married way above ourselves. But I feel privileged to serve every day with the Senator from Nevada.

I yield the floor.

Mr. REID. Mr. President, I appreciate very much the chairman of the Judiciary Committee and the President pro tempore of the Senate saying those

nice things about me. It is an honor to have gotten to know PAT LEAHY so well. He has broken all records. My record is minimal compared to his in Vermont: the first Democrat elected and he has been in the Senate since 1972, a wonderful Senator and a good friend. I appreciate his words very much.

I will mention, because I have here before, his lovely wife Marcelle is a nurse, and during my wife's travail with a terrible automobile accident and breast cancer—she is doing well and it appears she is beating both of those so far—Marcelle has done a lot of good things for my wife, with her nursing skills, calling and telling her what she is going through is what happens to a lot of people and she is going to be a lot better. I appreciate very much Senator LEAHY, but also his lovely wife Marcelle.

#### UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. REID. Mr. President, last December President Obama appointed a person by the name of David Medine to serve as the chairman of the bipartisan Privacy and Civil Liberties Board. After 9/11, Congress created this five-member board to make recommendations to protect the civil liberties of all Americans during a time of war.

Mr. Medine is well suited to lead this board. He currently works on financial privacy issues for the Securities and Exchange Commission. Previously, he was a partner in a huge law firm by the name of Wilmer Hale and he worked at the Federal Trade Commission on Internet privacy and financial privacy laws.

Earlier this summer, we worked out an agreement with Senate Republicans to confirm the part-time members of the board, two Republicans and two Democrats. Republicans agreed that Mr. Medine, the Democratic nominee for chairman and the only full-time board member, would be confirmed during the lameduck session. It is my understanding that Republicans have encountered an issue that prevented the Senate from including Mr. Medine in our nominations package. So I will ask unanimous consent on this nomination at this time. I know there will be a Republican objection. Early in the next Congress, I plan to schedule a majority vote on this nomination and I look forward to the cooperation and good faith from Senate Republicans.

I ask unanimous consent the Senate proceed to executive session to consider Calendar Nos. 721 and 722; that the nominations be confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order, and any statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, reserving the right to object, and I will object, I would point out that the majority has had this nomination pending since May 17 when it was reported out of the Judiciary Committee on a party-line vote. Not only for myself, but I think for a lot of people on my side of the aisle, this nomination is controversial and should not be moved via unanimous consent in the waning hours of this Congress. If this nomination were as important as the majority now seems to believe it is, this would have warranted debate and negotiations earlier in the session. Instead, the majority now seeks to raise this nomination in order to avoid having to resubmit the nomination for consideration.

I think I have shown a very different willingness to accommodate the majority even on controversial nominations. For example, we agreed to remove William Baer just last week despite the controversy surrounding his nomination, and he was subsequently confirmed. So I am not opposed to discussing controversial nominations, including this one, but they need to be done in a way that allows debate and discussion prior to a vote.

Given the controversial responses to written questions this nominee provided, there is need for debate and discussion on this nomination by the full Senate, not unanimous consent here at the last minute. Therefore, I object to the nomination being considered at this time.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

#### HURRICANE SANDY SUPPLEMENTAL APPROPRIATIONS

Mr. DURBIN. Mr. President, I want to join in the remarks of the majority leader. What a disappointment to learn that last night the House of Representatives failed to bring up the supplemental appropriations bill, which is to provide relief for the victims of Hurricane Sandy.

The Senate passed this bill not that long ago—just a few days ago. Mr. President, \$60.4 billion in a supplemental appropriations passed here by a vote of 62 to 32—a strong bipartisan vote. It did not include everything the Governors of New York and New Jersey and other States had asked for, but it did provide critical funding to help those who lost their homes and their businesses.

We expected the House to act on this bill. To say this is a no-brainer is to overstate the obvious. We rally as an American family when many of us are in need. I can remember this very well in my own State.

In 2008, Illinois and other Midwestern States had a similar situation. A massive storm was heading our way and flooding from the Mississippi River was inevitable. I visited several towns along the Mississippi back then, in-

cluding Quincy, IL. Then-Senator Obama and I came to Quincy and pitched in—filling sandbags with thousands of other volunteers.

We worked through Father's Day to help mitigate the oncoming flood, but it still came, and there was serious damage. Just like the people in New York and New Jersey, these people did everything they could before and after and during the storm to save their homes, businesses, and the lives of their loved ones. But the magnitude of our 2008 storm was too big for local and State governments to handle.

The magnitude of the flood, just like Hurricane Sandy, required action from Congress and the Federal Government. We passed a supplemental appropriations bill for Illinois and the Midwest in 2008. That aid was essential to helping the victims of that flood in our State.

I have served in Congress for over 20 years, and every time—every time—some section of our Nation has been victimized by a disaster, we have come together as an American family to help those in need. We draw on our national treasure and the efforts of American people across the country to come to the rescue of our neighbors in need.

The time to help New York and New Jersey and other States victimized by Hurricane Sandy is now, but the Republican leadership in the House has abandoned those victims with a decision to let this bill die. In New York and New Jersey more than 651,000 homes were damaged or destroyed, 463,000 businesses were hurt and need assistance. According to the Senators from those States, that either matches or exceeds the magnitude of the disaster of Hurricane Katrina that struck the States on our southern coast on the Gulf of Mexico.

Hundreds of miles of roads and rail were damaged and will need to be repaired. However, the rebuilding is on hold because of a political decision by the Speaker of the House and Republican leadership. I can tell you, I know full well—because Senator SCHUMER is in the leadership, and I have watched as he and Senator GILLIBRAND, Senator MENENDEZ, Senator LAUTENBERG, and others have worked to build a bipartisan coalition in the House to pass this critical measure—all it needed was to be called by the Speaker, and the Speaker refused.

But there is still time. There is time in the 112th Congress for the House to pass the Senate bill. I urgently beg the Speaker of the House of Representatives to put any political concerns aside, and for the sake of these victims and victims of other disasters across America to pass this critically important bill as quickly as possible.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FHA EMERGENCY FISCAL SOLVENCY ACT

Mr. BROWN of Ohio. Mr. President, on Sunday, we confirmed Carol Galante as the new Commissioner of the Federal Housing Administration, FHA. I want to thank my 19 Republican colleagues who supported her nomination. It was an important step forward for FHA. I give a special thanks to Senator CORKER for his work, my colleague on the Senate Banking Committee.

My Democratic colleagues and I have cleared an important commonsense piece of legislation on our side. It was passed overwhelmingly in the House. But we have received little cooperation from some of our Republican colleagues because it does not include everything they want.

It is clear that FHA's Mutual Mortgage Insurance Fund is facing significant financial issues. Two years ago, Senator BEGICH and I introduced an FHA reform bill. For a time we collaborated with Senator VITTER from Louisiana, who has worked with me on legislation with the GAO and other things, and with Senator ISAKSON on that effort, so I know many of my Republican colleagues are committed to these issues. Unfortunately, some of their conservative colleagues blocked the legislation that would have given FHA additional authority to protect taxpayers.

We should not wait any longer. This is technically the last full day of this Congress. We should not wait any longer to enact sensible measures that will put FHA back on a path to financial stability.

With limited time remaining in the legislative session, passing the House's FHA reform legislation, H.R. 4264, is a necessary and responsible step to give FHA additional authority to protect taxpayers. Passing this bill will not prevent us from doing more next session. That is what I want to do. I think most Members in both parties in the Banking Committee want to do that. I expect we will consider reforms very soon.

In the meantime, though, we should pass this commonsense, bipartisan reform measure. As I mentioned, it passed the House of Representatives by a margin of 402 to 7. So it has support all across the political spectrum, from people of all views and philosophies and ideologies. Unfortunately, a small number of people continue to stand in the way of these taxpayer protections.

I do not plan to ask unanimous consent today. I would like to do that; I will not do that. I am hopeful that those who oppose this might be willing to come to the floor and discuss this and see if we can move this legislation on the last full day of this Congress, so we can then take that step and then work this coming year in the new Congress on further reforms.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

#### CHALLENGE TO FUTURE CONGRESSES

Mr. CONRAD. Mr. President, I thank my colleagues. These will be my final remarks to the Senate, and I thought I would share with my colleagues my observations on what has just occurred to put in perspective where I believe we are and where we are headed and to lay down a challenge for my colleagues as I depart. A very significant challenge remains for the Congress and the country, and I hope very much that we find the courage to take on these challenges. It is incredibly important to the future strength of our Nation, and we can do it. We have done much tougher things in the past, and we can certainly take on these challenges.

On New Year's Eve we were called into session and were briefed by the Vice President and other staff from the White House with respect to the deal that was before us. I told our colleagues on that night that I believed we had to support the proposal before us because to fail to do so would send us back into a recession. Most economists said the economy would shrink 4 percent in the first quarter, 2 percent in the second quarter, that 1 million more people would be unemployed, and that the 2 million people now on unemployment insurance would lose that and would have no safety net. So, Mr. President, I saw no alternative but to support this agreement.

At the same time, I told my colleagues: I hate this agreement. I hate it with every fiber of my being because this is not the grand bargain I had hoped for and worked for and believe is so necessary to the future of the country. This is not, by any standard, a deficit reduction plan. As necessary as it is, no one should be misled that this deals with our deficit and debt because it only makes our debt circumstance worse.

Now, some question that assessment, but that is precisely the assessment the Congressional Budget Office has come to. I would like to take just a few moments to put in perspective where we are.

The United States is borrowing 31 cents of every dollar it spends. That is an unsustainable circumstance. It is an improvement somewhat because we were borrowing 40 cents of every dollar we spend. So there has been some modest improvement. But, this cannot go on. It has to be addressed or we will weaken the Nation.

This chart puts in perspective the spending and revenue of the United States going back to 1950. Looking back 60 years, the red line is the spending line, and the green line is the revenue line. You can see our spending is close to a 60-year high. We are not quite at a 60-year high because there has been some improvement in the last 2 years. We are close to a 60-year low on revenue. So our colleagues who say this is just a spending problem are missing the point. This is a problem of the relationship between spending and revenue. The gap—much higher spending than we have revenue—is what leads to deficits and leads to additions to the debt.

The path we are on, we are told by the Congressional Budget Office, will take us from a gross debt of 104 percent of our gross domestic product today to 115 percent by 2022 if we fail to act. So further action is absolutely essential.

Why? Why does it matter if our gross debt is more than 100 percent of our gross domestic product? Well, because the best work that has been done on this question—by Rogoff and Reinhart—concluded, after looking at 200 years of economic history, the following. I quote from their study:

We examine the experience of 44 countries spanning up to two centuries of data on central government debt, inflation and growth. Our main finding is that across both advanced countries and emerging markets, high debt/GDP levels (90 percent and above) are associated with notably lower growth outcomes.

To sum it up, Mr. President, when we have a gross debt of more than 90 percent of our GDP, we are headed down a path that dramatically reduces our future economic growth. That means we are reducing future economic opportunity for the people of our country. That is why this matters, because it will retard and restrict economic growth for our people.

Here is what the Congressional Budget Office tells us about the long-term path we are on, in terms of debt held by the public. CBO tells us we are headed for a circumstance where publicly held debt will be 200 percent of our GDP.

So, we are on a course that is utterly unsustainable.

If we look at what has been done—because those who say nothing has been done are not giving the full story either—the fact is we passed a Budget Control Act in place of a budget. We put in place a law in place of a budget resolution. That budget law dropped discretionary spending to historic lows. We were at—in the year 2012—8.3 percent of GDP going to domestic spending. The Budget Control Act, the law that was passed, will take that down to 5.3 percent of GDP going for discretionary spending. That is a historic low.

So when someone says nothing has been done, that is not accurate. We cut domestic spending, and cut it in a very significant way. We cut it to a level

that will be a historic low, but that doesn't mean the problem has been solved; nowhere close to it, because at the same time the nondiscretionary accounts are rising dramatically. Medicare, Medicaid, and other Federal health spending is the 800-pound gorilla. That is where we see such a dramatic increase in spending, both in real and nominal dollars, and as a share of GDP.

Back in 1972, these health care accounts consumed 1.1 percent of our gross domestic product. By 2050, if we don't do something, they will consume 12.4 percent. That is totally unsustainable. It is gobbling up bigger and bigger chunks of our budget, putting increasing pressure on our deficits and debt, and eating up the ability of the United States to have the flexibility to respond to crises that might occur.

The aging population is the primary driver of Medicare, Medicaid, and Social Security cost growth. We can see in this chart, the effect of cost growth is the yellow part; the effect of aging is the red part; and the spending in absence of aging and excess cost growth is the green part of this chart. In other words, our spending on Medicare, Medicaid, and Social Security would actually be very stable absent the effect of aging and the effect of excess cost growth. Now the effect of aging has become the biggest driver. There is nothing we can do about that because these people have been born. They are alive today. They are going to be eligible for Medicare and Social Security, and we are going to have to find a way to be able to afford this combined effect.

The revenue side of the equation I think is critically important to understand. Many of our colleagues say: It is true we are at a very low share of GDP going to revenue today. In 2012, less than 16 percent of our GDP came as revenue to the Federal Government. Typically, it is about 18.5 percent of GDP. But if we look back on the last five times we have actually balanced the budget around here, revenue hasn't been 18 or 18.5 percent of GDP. The last five times we have balanced the budget, revenue has been 19.7 percent, 19.9 percent, 19.8 percent, 20.6 percent, 19.5 percent of GDP.

So those who say we have to get back to the normal revenue stream, I think miss the point. The average is not going to do it. It never has, at least going back to 1969.

We are going to have to have more revenue at the same time we have more spending discipline, especially with respect to the health care accounts.

We need fundamental tax reform. This Tax Code is out of date, it is inefficient, and it is hurting U.S. global competitiveness. The complexity imposes a significant burden on individuals and businesses. The expiring provisions create uncertainty and confusion. It is hemorrhaging revenue to tax gaps, tax havens, abusive tax shelters.

I have shown many times on the floor of the Senate a picture of a little five-

story building in the Cayman Islands called Ugland House. Ugland House, this little five-story building, claims to be the home of 18,000 companies that all say they are doing business out of that building. I have said many times that is the most efficient building in the world. How can 18,000 companies be doing business out of a little five-story building down in the Cayman Islands? They are not doing business out of that building. The only business they are doing is monkey business, and the monkey business they are doing is to avoid the taxes they owe in the United States through shell games in which they show their profits in the Cayman Islands, where, happily, there are no income taxes to impose on those earnings. So they are avoiding showing their income there here and putting it in the Cayman Islands where they can shield it from taxation.

We also desperately need to restore fairness. The current system contributes to growing income inequality. I don't know how anyone can conclude otherwise. I have also shown many times on the floor of the Senate the report on one building on Park Avenue in New York, where the average income is \$1.2 million of the people who live in that building and the average tax rate those people are paying is about 15 percent. The janitor in that building is paying a tax rate of 25 percent with an income of \$33,000 a year. How is that fair? How can that possibly be considered fair? These long-term fiscal imbalances simply must be addressed, and revenue is going to have to be part of the solution.

Martin Feldstein, one of the distinguished economists in our country, conservative, chairman of the Council of Economic Advisers under President Reagan, said this about the tax expenditures of the country because we are spending \$1.2 trillion a year in the tax expenditures category of the United States. We are spending more through the Tax Code than we are through all the appropriated accounts.

People say we are spending too much. Yes, we continue to have a spending problem and a revenue problem. But through the Tax Code, we spend more there than we spend through all the appropriated accounts.

Here is what Martin Feldstein said about the need to reduce tax expenditures:

Cutting tax expenditures is really the best way to reduce government spending. . . . [E]liminating tax expenditures does not increase marginal tax rates or reduce the reward for saving, investment or risk-taking. It would also increase overall economic efficiency by removing incentives that distort private spending decisions. And eliminating or consolidating the large number of overlapping tax-based subsidies would also greatly simplify tax filing. In short, cutting tax expenditures is not at all like other ways of raising revenue.

I say to my colleagues, even after what has just happened, we are going to have to raise more revenue, we are going to have to cut spending, and we

are going to have to reform entitlements. It is as clear as it can be that those things are going to have to be done to get the country back on track. Here is one of the most distinguished economists in the country telling us that reforming tax expenditures is not like other ways of raising revenue in terms of its economic effect. I think Mr. Feldstein has that exactly right.

By the way, who most benefits from these tax expenditures? Here is a chart that shows the increase in after-tax income from tax expenditures and here is the top 1 percent. On average, they benefit per year by over \$250,000. The next quintile benefits by \$32,000. The lowest quintile tax expenditures benefit by \$707 a year. Wow. What an extraordinary disparity. The lowest quintile tax expenditures benefit \$707 a year. The top 1 percent, their benefit from tax expenditures, on average, is over \$250,000 a year.

Here we are, borrowing 31 cents of every \$1 we spend. We are on course taking the debt of the United States from over 100 percent of our gross domestic product to over 200 percent if we fail to act.

That is why we had the National Commission on Fiscal Responsibility and Reform. The report we put out was called "The Moment of Truth." What we called for in that report was \$5.4 trillion in deficit reduction. We used the current baseline. That is what we would have provided, \$5.4 trillion in deficit reduction. We lowered the deficit to 1.4 percent of GDP in 2022. We stabilized the gross debt by 2015. We reduced discretionary spending to 4.8 percent of GDP by 2022. We build on the health care reform savings. We called for Social Security reform and savings to be used only to extend the solvency of Social Security itself, and we also included fundamental tax reform that raised revenue and did it in part by reducing those tax expenditures I just referred to.

Here is what would happen to the deficit as a percentage of GDP under the fiscal commission budget plan. We can see in 2012, the deficit is at 7.6 percent of GDP. By 2012, it would be taken down to 1.4 percent of GDP under the plan.

Here is what would happen to the gross debt of the country as a percentage of GDP under the fiscal commission plan. From 104 percent of GDP in 2012, down to 93 percent of GDP in 2022. Stabilize the debt. Then begin to bring it down. That ought to be our challenge.

The plan that was just passed took individual rate increases from 35 to 39.6 for couples earning over \$450,000. Capital gains and dividends were increased from 15 percent to 20 percent. PEP and Pease were reinstated. The estate tax was increased to 40 percent for those estates above \$5 million. The alternative minimum tax was patched on a permanent basis to prevent some 30 million people from being caught up in the alternative minimum tax. It extended other expiring provisions.



On the spending side, the doc fix was put in place for 1 year to prevent doctors who provide care for Medicare-eligible beneficiaries from taking a 27-percent cut. It turned off the sequester for 2 months, the \$1.2 trillion across-the-board cut in discretionary spending in both defense and nondefense. It provided for a 1-year extension of unemployment benefits and also for a 1-year extension of the farm bill.

Again, while I believe that plan had to be supported—and I did, albeit reluctantly because I think if we had failed to support it, we would be headed back into recession, an additional 1 million people would have lost their jobs, the unemployment rate would be headed to 9.1 percent, and 2 million people would have lost their unemployment benefits. So there was good reason to support that plan. But I want to end as I began. I hated that plan. I hated it with every fiber of my being because the truth is it increased the debt of the United States. That is not just my word; that is the word of the Congressional Budget Office that tells me the revenue loss from that plan is \$3.6 trillion; the new spending, \$332 billion. The total impact on the deficit and debt, \$4 trillion. That doesn't account for the additional debt service which is another \$650 billion. The total increase in the debt as a result of that plan is over \$4.6 trillion.

So don't let anybody tell you that was a deficit reduction plan or a plan to deal with the debt because it was not and it is not. That leaves the unresolved challenge of our time. Because for this Nation's future, it is critically important that the next Congress, in its early days, try to get back to doing the grand bargain, the big deal, something that would reduce our deficits and debt by at least \$4 trillion over the next 10 years to stabilize the debt to begin to bring it down.

I leave here in many ways with a heavy heart because I came here 26 years ago believing one of the foremost responsibilities of a Senator was to guide the fiscal affairs of this country.

I ask unanimous consent to have printed in the RECORD the announcement speech I made in 1986 in running for the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KENT CONRAD, JANUARY 27, 1986

I will be a candidate for North Dakota's seat in the United States Senate in 1986. I will be a candidate because I am intensely interested in North Dakota's future. I am committed to doing what I can to improve the future for our state and its people.

I have concluded that the serious economic problems facing our state can in large measure only be addressed in Washington. It is economic policies decided in our nation's capital that are pushing our state into a difficult financial position.

Since 1980, our national debt has doubled. Our national operating deficit has tripled. Our trade deficit has increased six-fold. And we have become a debtor nation for the first time in seventy-one years.

We can do better. We must do better. And we will do better if we have the courage and

leadership to move this country in a new direction.

Current economic policies, which have increased the national debt in five years by an amount that had taken two hundred years to accumulate, have forced record high real interest rates. Those record high real interest rates have bloated the value of the American dollar, which in turn has put a hidden tax on every commodity exported by our state and nation. That hidden tax has robbed us of our export markets and dramatically reduced our commodity values.

These economic policies are not only devastating to the economy of the State of North Dakota but are rapidly exporting the economic strength of this country. This process must be stopped.

It is time for politicians to stop posturing and promising and start guaranteeing performance and results. I pledge today that, if elected, the federal deficit, the trade deficit and real interest rates will be brought under control or I will not seek reelection in 1992.

I have great confidence in the future of our state and of our country if our leadership and our people move swiftly in a new direction.

I offer leadership and a new vision of the role of government in solving our common problems.

We are at the dawn of a new era, one in which international competition will more and more shape the policies of states and nations.

We must meet that challenge.

That means the fundamentals of a healthy domestic economy, including a sound agricultural sector, an excellent educational system, a competitive business climate, a strong national defense and an efficient and fair tax system must be among our highest priorities.

At the same time we must fashion a society that cares for the least fortunate among us, respects our senior citizens, nurtures our young, and preserves a strong and growing middle class. Perhaps most important, we must actively pursue peace for our generation and for the generations ahead.

We can accomplish all of this if we trust in the basic good judgment and decency of our people. I have that faith and look forward to a challenging campaign on the issues that confront us.

The trade deficit is clearly out of control. We have gone from a trade deficit of \$32 billion in 1980 to \$149 billion last year, and this year we're headed for a trade deficit of \$175 billion.

For the last three months, we have imported more agricultural production than we have exported. These are additional signs of an economic game plan that has gone seriously wrong. We must get the trade deficit under control or we will find our standard of living lowered for decades to come.

I believe the Senate and House members should tell the collective leadership in Washington—both Republicans and Democrats—that it's no more business as usual. It's time to seriously address the economic problems facing our country.

The best way to get the leadership to face up to the problems facing our country is to refuse to extend the debt limit except on a temporary basis. There should be no permanent extension of the debt limit until there is an economic summit of the President and the Republican and Democratic leadership of both the House and the Senate to devise a plan to reduce our national deficit, to lower interest rates, to lower the bloated value of the American dollar, and to lower the trade deficit. These steps must be taken, and they must be taken now.

We can have a better, more secure future, but only if we take the steps now to get our

country back on an economic path that makes sense.

Mr. CONRAD. This is what I said 26 years ago in my candidacy for the Senate:

I have concluded that the serious economic problems facing our state can in large measure only be addressed in Washington. It is economic policies decided in our nation's capital that are pushing our state into a difficult financial position.

Since 1980, our national debt has doubled. Our national operating deficit has tripled. Our trade deficit has increased six-fold. And we have become a debtor nation for the first time in seventy-one years.

We can do better. We must do better. And we will do better if we have the courage and leadership to move this country in a new direction.

Current economic policies, which have increased the national debt in five years by an amount that had taken two hundred years to accumulate, have forced record high real interest rates. Those record high real interest rates have bloated the value of the American dollar, which in turn has put a hidden tax on every commodity exported by our state and nation. That hidden tax has robbed us of our export markets and dramatically reduced our commodity values.

These economic policies are not only devastating to the economy of the State of North Dakota but are rapidly exporting the economic strength of this country. This process must be stopped.

I will end with the next paragraph:

It is time for politicians to stop posturing and promising and start guaranteeing performing results.

Then I made a pledge.

I pledge today that, if elected, the federal deficit, the trade deficit and real interest rates will be brought under control or I will not seek reelection in 1992.

That is a statement I made 26 years ago. Some people are probably wondering, if you made that pledge, how are you still here? Well, 6 years after I made that pledge I announced I would not seek reelection, and I did not. I announced in April of that year I would not seek reelection. Congressman Dorgan was nominated to run for my seat and I thought I was leaving the Senate.

Then the other Senator from North Dakota died in September of that year. The Governor called me and said: Senator, you have to run to fill out the 2 years of his term because our State is going to lose all of its seniority in one fell swoop—all of Senator Burdick's seniority, all of your seniority, and all of Congressman Dorgan's seniority. We will be the only State in the Nation with no seniority. You will have kept your pledge; you did not seek reelection; you will run in a special election which will be in December, after the regular elections in November.

I will never forget, one of the news media stations back home did a poll and two-thirds of Republicans thought I should run to fill out the 2 years of that term, which I did—which means I am the answer to a trivia question, because I am the only Senator in history who served in both Senate seats from the same State in the same day.

I believed then and I believe now that fiscal responsibility is one of the first

obligations of government. My deep regret, my greatest regret, in leaving here is that we have not been able to fashion the grand bargain to put us back on track.

Mr. President, I ask unanimous consent to have a tribute to the Budget Committee staff who have served so ably and so well, served this body, served our country, led by my staff director Mary Naylor, who is truly a remarkable person; I consider her a real patriot because she has absolutely dedicated herself to getting the fiscal affairs of the country in order. If I could, I ask unanimous consent to have printed in the RECORD a tribute to all of the Budget Committee staff who have served with me so ably and so well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRIBUTE TO BUDGET COMMITTEE STAFF,  
JANUARY 2, 2013

Mr. CONRAD. Mr. President, before I depart the Senate after 26 years, I wanted to offer a special tribute to a team of professionals who have served me, this body and this country with high distinction.

Since 2001, it has been my honor to serve as the senior Democrat on the Senate Budget Committee. Throughout my 12-year tenure as Chairman or Ranking Member, I have had on the Budget Committee a staff of dedicated professionals who have advised me and other Senators on a wide array of complicated budget issues.

The Committee's portfolio touches every facet of the Federal government. We write not only the budget resolution, but deal with the big picture consequences of tax and spending decisions. We enforce the many budget points-of-order and other budget rules that govern our proceedings. Many of these rules, although well intentioned, are complex and often convoluted. We rely on the expertise of our Budget Committee staff professionals to help us comply with these rules.

When my colleagues tapped me to lead the Committee, I knew part of my success would depend greatly on the composition and caliber of staff that we could attract to the Committee.

SBC MAJORITY STAFF

Staff Director: Job one was making sure I picked the right staff director—a Hill veteran, who knew how to advance ideas and move legislation through this political and legislative body. Someone who knew how to write budgets, excel at managing staff, and maybe most importantly, care about fiscal responsibility.

Finding that right person turned out to be quite easy. Mary Naylor was already on my personal office staff, serving as my deputy chief of staff. She grew up in North Dakota. In 1989, her first task for me: writing my budget and tax mail. Twelve years later, in January 2001, she became my first and only Budget Committee staff director.

Mary has been invaluable to me. She is a loyal and trusted aide. She works hard, has a gifted mind and memory, and never takes no for an answer. In addition, Mary has this uncanny ability to know what I am thinking, how I want to implement it, and how I want to explain it. I can't thank Mary enough for her service and her loyalty to me, her contribution to the Budget Committee, the Senate's deliberations, and the country's overall well-being.

Deputy Staff Director: John Righter has served as the committee's deputy staff director for the past 7-plus years.

John was my numbers guy. He understood and mastered budget baselines and scoring issues like no else ever has. His brilliant mind enabled him to develop and compare multiple budget plans simultaneously. He is the budget world's equivalent of a chess grand master. There were times that I had John working on six different budget plans, all at once. I'd fire detailed questions to him about each of the varied plans, and he'd be able to respond quickly and accurately. Just like a grand master who can play multiple chess games at once, John can juggle multiple budget plans simultaneously.

I was not the only Senator to rely on John's abilities. John was a key resource for the staff and members of the President's Fiscal Commission. And for the last two years, Senators from both sides of the aisle who have worked with me on the Group of 6—which later became the Group of 8—have relied on John's mastery of budgets.

John joined the Committee in May of 2001 as an analyst focusing on appropriations, general government and commerce. He was a 6-year veteran of the Congressional Budget Office, where he, among other things, excelled at budget concepts and scorekeeping issues. I can't thank John enough for his exceptional service to the committee and me these past nearly 12 years.

Communications Director: Stu Nagurka served as the committee's communications director, and came on board just days after I took over the reins of the committee. He has been a trusted, valued and loyal aide all these many years. As a former reporter, and with his background as a press secretary on the House side, and as a communications aide in the Clinton administration, he has been a great asset to the committee. He has always represented the committee and me before the press with great professionalism. He has been a delight to have on the committee, and I thank him for his 12 years of service.

FORMER SENIOR STAFF

I was fortunate to attract high caliber staff on the committee throughout my tenure. Some of my staff went on to serve in the administration, others moved on to think tanks, while others retired or went on to pursue other opportunities both on and off the Hill.

I would be remiss if I did not also thank them for their contributions, including Sue Nelson and Jim Horney. Both served as my co-deputy staff directors early in my tenure. As longtime veterans of helping write and analyze budgets, they were an invaluable asset to me when I first served as Chairman.

Joel Friedman served as one of the committee's two deputies during the last half of my tenure. He was the committee's lead tax and revenue expert. He brought a wealth of knowledge to the committee from his previous government service at the Treasury Department, the Office of Management and Budget and the House Budget Committee. Joel did yeoman's work developing and evaluating tax policy during our bipartisan negotiations in the President's Fiscal Commission, and later during our Group of Six and Group of Eight deliberations. Joel was a key staff member, who I greatly admire and appreciate.

Steve Posner was a valued member of the committee staff for more than 11-and-a-half years. During that time, he wrote more than his share of my speeches, op-eds and other material. He is a brilliant writer, and knew exactly the words, phrases and statements I wanted to make. He was of great help throughout my tenure, and I so appreciate his service.

Lisa Konwinski served as the committee's chief counsel for 11 years, 8 coming under my

tenure. She was not only an excellent counsel and advisor to me and my committee members, but she was of great assistance to leadership and the Senate as a whole. I was not surprised when President Obama asked her to serve as one of his deputy directors of legislative affairs.

Joe Gaeta was the committee's next chief counsel. I and my colleagues will forever be indebted to his invaluable service during the drafting and consideration of the Affordable Care Act. It was his work, his knowledge and understanding of the budget rules and process that helped us to get the President's health law through the Senate. I am so pleased that he is still providing his services to the Senate, as Senator Whitehouse's legislative director.

Jamie Morin served as the committee's lead analyst for the defense, intelligence, and foreign affairs budgets from 2003 through 2009. He was an exceptional staff member, and I was so pleased when the Obama administration asked him to serve as the XX of the Air Force. He really exemplifies the high caliber staff we had serving on this committee and in the Senate.

Sarah Kuehl was another long-time staff member who joined the committee staff at the beginning of my tenure. Her portfolio including the health accounts, including Medicare, as well as Social Security. She had her hands full, particularly during the Affordable Care Act deliberations. I am so proud and grateful for the important contributions she made during that debate. She was a highly respected staff member. She also served as the deputy staff director of the Joint Select Committee on Deficit Reduction. I appreciate her many years of trusted service on the committee.

Steve Bailey was my lead revenue staff member in my personal office, and later on the Budget Committee. He was on my staff for some 14 years. He also staffed the President's Fiscal Commission and served as senior tax counsel for the Joint Select Committee on Deficit Reduction. He received national recognition in 2004, when he alerted me to what was then an unnoticed tax provision in a pending appropriations bill. It would have allowed congressional staffers access to anyone's tax records. Thanks to Steve's catch, the offending language was removed. The country is forever grateful for Steve's heroic work, and I appreciate his service.

Jim Esquea served as the committee's lead analyst for income security and Medicaid for 11 years. In addition, at various times, he handled a wide array of issues ranging from veterans affairs and justice programs to child welfare, Temporary Assistance for Needy Families, supplemental nutrition assistance, public housing, the Children's Health Insurance Program and other health programs. It is his expertise in these areas, as well as his great understanding of the Congress, that caused the Obama administration to appoint him as the Assistant Secretary for Legislative Affairs at the Department of Health and Human Services.

Two other staffers of the committee left us to work in the Obama administration. David Vandivier, who served as our outreach director, is now the chief of staff of the President's Council of Economic Advisers. Brodi Fontenot served as the committee's transportation analyst. He is now the Assistant Secretary for Administration at the Department of Transportation.

ADDITIONAL LONGTIME STAFF

Mike Jones is the Committee's Director of Appropriations and our senior analyst for Judiciary and Homeland Security. He has been with the Committee for 11 years, and previously worked at the Department of Interior and the House Budget Committee, where he honed his budget skills.



Koby Noel is the committee's graphics production coordinator. Since joining the committee early in my tenure as the senior Democrat, Koby has been the lead staff member responsible for the countless number of charts that colleagues and C-SPAN viewers around the country have seen me use on this floor. Working with every committee staff member, she has helped design, create, produce, print and mount hundreds of charts for me.

I have kept Koby a very busy woman. Keep in mind, for every chart the public sees on this floor, there are probably five or more charts that are created. Most of them are used in other public gatherings or private meetings. I thank Koby for her tireless efforts. And I hope she knows how much I appreciate her contribution to the committee.

#### BUDGET ANALYSTS

Jennifer Hanson is the committee's senior budget analyst for Medicare and Social Security. She was deeply involved in the health care debate and a key member of a team of staff who provided the Committee and the Senate with critical assistance during the deliberations of that historic legislation.

Since joining the committee more than three years ago, Jennifer has provided extremely useful guidance on a wide-array of health care matters. I particularly appreciate her sensitivity to how proposed changes in funding levels can impact real people, as well as health care providers. She is a great asset to the committee.

Jim Miller is the committee's senior policy advisor for agriculture, and this is his second tour of duty with the committee. The Senate is very fortunate that Jim decided to return to Capitol Hill after serving as the Department of Agriculture's Under Secretary for Farm and Foreign Agricultural Services. Jim excelled in that Senate-confirmed position, and we are all so proud of his service in the Obama Administration.

Jim is a walking encyclopedia of agriculture knowledge. He is well respected by Senators and staff on both sides of the aisle, and played a critical role in the drafting, enactment, and implementation of the last farm reauthorization law. I have been so well-served by Jim, and can't thank him enough for all he has done for the Senate, for the agricultural community and the country.

Robyn Hiestand is the committee's analyst responsible for education, discretionary health and appropriations issues. She and I share a passion for education, and I appreciate all the good work she has done to help us make education more affordable and to protect funding for important programs in the discretionary health accounts. Others have recognized her budget expertise as well. She took a brief leave of absence last year and served as a senior budget analyst for the Joint Select Committee on Deficit Reduction.

Brandon Teachout handles defense, international affairs and veterans issues for the committee, and has been doing so for the past year-and-a-half. He is a trusted and valued aide who started his Senate career in my personal office six years ago. Brandon has a varied background that includes his work in television news, a love of history and has taken courses through the Air Force's Air University.

Miles Patrie has been with the committee for several years and helps me on agriculture and trade issues, as well as nutrition. Miles is an exceptional analyst, who is detail oriented and focused, and has a calming presence on the committee. I appreciate all that he has done to make the committee and Senate a better place.

Farouk Ophaso joined the committee about a year ago and serves as our Budget

Review professional. Farouk previously worked as a program examiner at the Office of Management and Budget, and as a cost analyst at the Department of Defense.

Gwen Litvak covers a lot of ground for us on the committee, handling housing, commerce, transportation, community and regional development and general government issues. She is a workhorse who is immersing herself quickly in the work. She is now a one-year veteran of the committee, and I so appreciate her contribution during the past year.

Tyler Kruzich handles energy, environment and natural resources issues for the committee. He joined our staff in June and is a Hill veteran, having served on the House Appropriations and House Natural Resources committees. He also was a budget analyst for the Congressional Budget Office. I appreciate his good work on the committee, and know the committee will benefit from his service.

#### REVENUE TEAM

David Williams was the committee's senior tax policy advisor. He just concluded his second tour of duty with the committee. He brought a wealth of knowledge to the Senate, having spent his career both writing and implementing tax policy. In addition to his previous Hill experience, he has held a number of senior positions at the Internal Revenue Service, where he received rave reviews for his work administering the Earned Income Tax Credit.

Alex Brosseau is another key member of the committee's revenue team. He serves as our budget and tax policy analyst. Alex brings an important perspective to the committee as he joined the committee about a year ago from the private sector where he was a practicing accountant. That real life work experience is a tremendous asset to the committee. I thank Alex for sharing his wisdom and experience with us.

Jeannie Biniek is an economist for the committee who excels at integrating her economic knowledge with the expertise of the budget and tax analysts. She works on joint projects with other analysts and provides helpful analysis to me and to the staff. She is also the committee's Medicaid expert.

Jeannie has been with the committee for more than 3 years, and this is her first public service position. I know it won't be her last, as she cares deeply about people and the community at large. She has been an absolute delight to have on staff, and I thank her for her service.

#### ECONOMIC TEAM

Brian Scholl is the committee's chief economist. I commend him for continually noting that we must navigate through this recovery carefully; otherwise we risk taking a dangerous step backwards.

Zachary Moller is a member of the economic team serving as staff assistant. For more than a year, he's been researching, writing and providing the committee with updated economic data. He is a great team player, who does whatever is needed to get the job done.

The committee has had a rich history of outstanding economists serving on staff. I have had the privilege to work with many of them including Chad Stone, Jim Klumpner, Lee Price and Matt Salomon.

#### ADDITIONAL STAFF MEMBERS

Robert Etter is the committee's chief counsel whose specialties are budget process, budget rules and points of order, and other legal issues. His job is to make sure the committee, and everything we do, complies with all applicable laws and budget rules of the Senate. Robert joined the committee one year ago, and previously served as a House committee counsel. I appreciate all he has

done for the committee, and thank him for his service.

Josh Ryan is responsible for outreach and new media for the committee. Josh is the committee's liaison to the public, including interest groups here in Washington. He also maintains our committee's website, handles our presence on twitter and facebook, and is our staff photographer. In short, Josh is a bit of a jack-of-all-trades type of staffer. I appreciate his dedicated service, and thank him for his many contributions.

Amy Edwards is the committee's performance budgeting specialist. She is the lead staff member who handles the committee's Task Force on Government Performance. Amy has been with the committee since the task force's inception in 2009. She has made important contributions in helping the Committee in its monitoring and oversight capacity.

Ben Soskin is the committee's staff assistant and utility man extraordinaire. In addition to being an invaluable asset to Koby in the chart production process, Ben is one of those important staff members who will do anything asked of him, for the betterment of the committee. Ben has been with the committee for 7 years, and has helped countless staff members do their jobs, enabling Senators to do ours.

Brendon Dorgan joined the committee this past summer as a staff assistant. He has helped gather and track press coverage of interest to the committee. He also has helped staff members archive the considerable material of the committee. In addition, he has shown great eagerness in wanting to learn and is always anxious to take on a new assignment. I appreciate his good work, and the energy he brings to the committee.

Anne Page is the committee's executive assistant. Very simply, she keeps the trains running, and staff happy. She is an invaluable resource and a critical aide to the committee's staff director.

Anne brings a wealth of knowledge and experience to the committee. She has a rich history, having worked for two former Speakers of the House, Jim Wright and Tom Foley. Anne is a staff and member favorite. She has so enriched our lives, and I so appreciate her service to the committee and the Congress. Thank you Anne for all you have done for us.

#### NON-DESIGNATED STAFF

The committee is fortunate to have a strong cadre of professional non-designated staff who provide the necessary support functions for the committee. These professionals work tirelessly day in and day out, helping the committee staff and members on both sides of the aisle. We couldn't do our jobs without them.

These five staff members are the 24-hour a day fix-it staff who come to our rescue when a computer, blackberry, copier, phone or some other device goes on the blink. They are an invaluable resource, and as Chairman, I am grateful for their dedication to service, and I thank each of the following non-designated staff members.

Joan Evans is the chief clerk of the committee, responsible for all of the administrative functions, and oversees all of the non-designated staff. While relatively new to the committee, she has served in similar capacities with other Senate committees, and brings a wealth of knowledge and experience to the post. I appreciate all she has done to make the committee run so smoothly.

George Woodall is the committee's systems administrator. He's been with the committee for more than 19 years and really excels at keeping the committee wired and connected with the latest technology. George joined the committee the very year

that Senate offices started using email, so he has helped lead a remarkable technological transformation over these many years. The Senate, and our committee in particular, is very fortunate to have his dedicated service.

Cathy Dugan is the committee's archivist. She has been particularly busy helping the majority staff save and store important papers and other documents from the past 12 years, so that future scholars will have the opportunity to study our work. I know my staff has been particularly appreciative of her patience, her due diligence and her continuous offer of assistance as we've navigated through the archival process.

Letitia Fletcher is a Government Printing Office detailee who has assisted the committee for the past 11 years. She is responsible for the compilation and publication of all the committee's hearings and markups. She is a thorough and dedicated public service employee who was recently recognized by the Public Printer for her 25 years of federal service. I thank her for her contributions to the committee and the Senate.

Two staff assistants recently joined the committee. Kevin Stockert and Phillip Longbrake provide technical and administrative support to the committee staff. They are attentive, professional, and I thank them for their service.

Although she is no longer on staff, I do want to publicly thank our former clerk of the committee, Lynne Seymour, who retired last year. She first joined the committee in the early 1980's, and later became the committee's chief clerk, serving in that capacity for a record 17 years, 7 months. She was an exemplary employee who faced many administrative challenges during her long tenure, including multiple office moves whenever party control of the Senate changed hands. I will also never forget her outstanding leadership during 9/11. At the time, our floor in the Dirksen building was being overhauled and rewired, so our offices, and all our staff, were in temporary trailers in the Russell building courtyard. She managed the ensuring chaotic days with tremendous grace and professionalism.

#### REPUBLICAN STAFF

Let me also thank the Republican professional staff members of the Budget Committee. They, too, work extremely hard, and have made great contributions to the Senate. My staff and I have always had a very cordial and productive relationship with the Republican committee staff members.

In fact, over the years, I have forged long-lasting personal relationships with many of the Republican staff directors who served during my tenure. Senator Domenici's top aide, Bill Hoagland, is a Washington budget institution, who I have great respect for. Hazen Marshall served under Senator Nickles, and Scott Gudes, Denzel McGuire and Cheri Reidy all served as staff director at various times for Senator Gregg. All of them were a delight to work with. I also appreciate the contributions of the Senator Sessions' Republican staff director, Marcus Peacock, and his current staff.

#### CONCLUSION

As my colleagues know, there are many staff members who work extremely hard to help the Senate function. That is why I wanted to come to the floor today and offer my thanks and appreciation to the professional staff members who worked tirelessly for me during my tenure of the Budget Committee. They are the ones who worked so hard behind the scenes, content doing the people's business in the background.

I hope my staff members know how much they and their work have meant to me. Each of them has enriched me, both personally and professionally; I am grateful to them.

Mr. CONRAD. I also wish to mention Sara Garland, my chief of staff, an extraordinary person, a North Dakota native, somebody who has dedicated herself to public service; Geri Gaginis, my executive assistant, who has been with me more than 20 years, also a North Dakota native—we call her "mom" in our office because she does a good job of keeping us all on track; Tracee Sutton, legislative director, also a North Dakota native—an exceptional person, she will be on the staff of my succeeding colleague, Senator-elect Heitkamp; Susan King, also a North Dakota native, who has been with me off and on for many years, an outstanding person; Barry Piatt, my communications director, with me here at the end; Mary Jo Prouty, my office manager, still laboring to close down our office; Molly Spaeth, also with me right here to the final days.

I also want to give special recognition to Sean Neary, who was my communications director for many years, who is now the communications director for the Finance Committee, truly an extraordinary person.

With that, Mr. President, I thank Stu Nagurka. Stu is my communications director in the Budget Committee, has stayed with me right to the end, somebody who has an extraordinary record in government service; in fact, served your own Bill Richardson, Governor of New Mexico, when he was in public service here in Washington. Stu was his communications director and did as everyone knows, an outstanding job.

His son, I want to note, is our page, Jarrod Nagurka, called back into service because in these days, you know, we are a little short of people. They are people for whom I have the highest regard, Stu Nagurka, Jarrod. I mentioned Mary Naylor, my extraordinary staff director; John Righter, the deputy; but I mention and have gone into detail on all of my Budget Committee staff in this statement that I made part of the RECORD.

Finally, let me note that my colleague on the Budget Committee, Senator SESSIONS, is here. Senator SESSIONS has been the ranking Republican. He has been a gentleman. He has been somebody with whom I have enjoyed working. He and his staff have been professional. I think we put on a series of hearings that laid out the issues for our country in a clear and undeniable way.

Again, I leave with only one true regret and that is we were not able collectively to put in place a plan to get our country back on track. But I am not without hope because next year—this year, later this year—we will have more opportunities to do what needs to be done.

#### SIGNING AUTHORITY

Mr. CONRAD. Mr. President, I ask unanimous consent that on Wednesday, January 2, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent the period for morning business be extended until 3 p.m. for debate only, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to use as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THANKING SENATOR CONRAD

Mr. SESSIONS. I am so pleased to see that Senator CONRAD is here, that I could follow him. I had another subject I wanted to speak about, an important subject. But it is very important for all Americans to know how well he has served.

Senator CONRAD is one of the very small group of people in this country who understands the debt challenges we face. He has been on the debt commission. He has been the budget chairman. He staked his first election on dealing with these issues, as he has explained to us. I truly believe if he had a little more support, maybe, from his caucus and others, his vision could have been a real part of the solution we would make to this debt crisis. We are not that far apart when you consider the true challenges this Nation faces financially.

I remember a little over 2 years ago now, when the Senator called the debt commission cochairman, Erskine Bowles before the budget committee. He gave a speech and written testimony, which said this Nation has never faced a more predictable financial crisis. I remember the Senator asked the cochairman when we might have this financial crisis if we don't change our ways. He replied, it could be 2 years, as close as 2 years. That was 2 years ago, over 2 years ago now.

I think, Senator CONRAD, we have maybe gotten a little overconfident. People were telling us we were on an unsustainable course, we were facing a potential crisis, the Rogoff and Reinhart book came out and said that our debt reaches 90 percent of GDP, and all that was discussed and we had a lot of excitement about it, and we did not act. We did not act in a significant way.

In times gone by, maybe people thought the crisis is never going to happen, but I think the Senator agrees the potential for it to happen is just as real, if not more so, than it was 2 years ago.

I want to say this. We did not always agree. The Senator didn't always agree

with my views and I understand that. But the Senator allowed the minority on the committee to have its voice heard, to ask our questions, and the Senator called some great hearings. We had some of the best minds in the country provide testimony before the budget committee. The Senator allowed and called the administration witnesses and we were able to examine them about how they were managing the country's money. The Senator allowed that to happen in the great tradition of the Senate where we have open debate and honest questioning. The Senator was always a perfect gentleman, and always able, as I think the Presiding Officer would acknowledge, to give a little levity to a tense situation. The Senator has a great sense of humor that really endeared him to me.

So I will say to Senator CONRAD, thank you for your service. I believe every member of the budget committee, Republican and Democrat, appreciated the Senator's leadership. I know they did. I know the staff also respected the Senator's leadership. We had a great time working with the Senator's professional team. The Senator served his country exceedingly well dealing with the greatest issue we face today, our financial debt situation. I hope and I am confident the Senator will remain active, that he will not be silent, that he will provide continual input and advice to the Members of Congress as we wrestle with these tough issues.

Mr. CONRAD. I wish to say thanks to my colleague, Senator SESSIONS. He will still be on the Budget Committee. These challenges remain. I will lend my voice in whatever way I can to the responsible efforts that are needed to get us back on track. It is truly my fondest wish that we find a way to come together to do what must be done. It would be so good for the country. It would be great for the Congress. It would be good for the people. I am confident this is a challenge we can meet.

I thank the Senator.

Mr. SESSIONS. Mr. President, I will repeat my admiration and affection for the Senator from North Dakota and appreciation for his leadership.

The PRESIDING OFFICER. The Senator from Alabama.

#### A MOST DYSFUNCTIONAL SENATE

Mr. SESSIONS. Mr. President, I want to say some things that are pretty hard right now. I say them out of affection and concern for the Senate of the United States and for the way we are conducting the people's business. I believe they ought to be heard and all of us ought to think about them. Some of our new Members have not been involved in a Senate that functioned differently than the one in which we are participating today. They do not know how a real Senate should operate. We have gradually, and at a very accelerated pace in more recent years, made

some very unwise choices about how we do the people's business.

This has been the most dysfunctional Senate in history. The majority has abused and altered the powers and duties of the Senate more than at any time in history, to the detriment of the institution and to the detriment of the public interest.

That is a hard thing to say, but I truly believe something very unfortunate has been occurring and people have not talked about it. I would also criticize the Republicans a bit here because we are supposed to be the loyal opposition. The majority always has pressures on it to advance an agenda and the loyal opposition has the duty to advocate for its views and make sure the institution is handled in a way that protects the institution as the majority seeks to advance its agenda. Frankly, I do not think we have done a good enough job at that. But I would say the majority is using tactics—I refer to them as postmodern tactics—to advance an agenda. And in so doing has done damage to the institution.

Our leader, Senator REID, will not acknowledge a single error in his aggressive leadership and movement of legislation. He simply blames all the problems on Republicans who, he says, are obstructing his vision, his goals, and the agenda that he and his team want to advance. Not satisfied that these actions have brought the Senate to one of its lowest levels of public respect in history, if not the lowest, the majority party is now demanding even more power.

The majority leader and the majority are threatening to violate the rules of the Senate and change the rules of the Senate so they can grab even more power. I would say the majority leader himself has obtained more power than any leader in history, and now it appears that he is asking for more.

We don't like to talk about this. We are reluctant to talk about what is happening and be as critical as I am today, but in fact we have been silent too long. The bottom line is that this issue is not just about politics. This issue is about the historic role of the Senate and our constitutional order.

This Senate is not functioning as it should, and that is for sure; we all may agree on that. The question is, Why? Perhaps it was due to the 2010 election when the Democrats took a shellacking and lost six Senate seats. At that point there seemed to be a doubling down of the desire and ability of the majority leadership to dominate this institution. Actual Senate rules and actual codified law—and certainly the traditions of the Senate—were eroded. They were changed and run over.

The Republicans who fought back were called obstructionists. I don't know, but maybe when someone has been in power for a long time—as the leadership and the Democratic side has—they begin to think they are entitled to get all these things done. They believe they are entitled to bring up

bills and not have Senators offer amendments so they can slow down the train and pick and choose what amendments the opposition can offer and how long they can debate. Maybe this goes in their mind in a way that when they get in that cocoon of power, everybody becomes an obstructionist when they simply insist on the rules of the Senate.

I always thought one of Senator REID's charms—the old HARRY REID I knew—was that he could actively and aggressively talk politically and stick it to the opposition. He always got to the point. Sometimes I could admire his skills. He could do it with a smile. We all tolerate a little political license and a certain amount of political exaggeration in the world we live in, but I thought Senator REID would not seek to advance powers beyond what he understood were the limits of the majority in the Senate because he has been in the minority, and he has operated there. He had to fight for his rights to have full minority rights. So I am a little baffled. I am not sure I understand this new Senator REID, and I am not sure all of the decisions he is making are good.

Now we are talking about a nuclear option that would break the rules of the Senate to change the rules of the Senate. That is a very dangerous thing, and I do not believe it is necessary.

Let me describe what is happening. I want to make a complaint about how this Senate has been operating. I said it is dysfunctional. The majority has said the reason it is dysfunctional is because Republicans object too much and they are obstructionists. Let me point out some of the things that are actually occurring.

First, I would dispute that. I don't believe it is accurate that Republicans object too much and are obstructionists. I don't believe Republicans are any more vigorous in their defense of their ideas than the Democrats were when they were in the minority when I came to the Senate 16 years ago. I know they were not. So it is the little constraints that we operate under every day, such as rules, tradition, actual statutory law that controls how we conduct our business that are being eroded, gone around, and run over. These are the things that make the institution what it is. A person has to be able to accept the fact that those who disagree with them have at least some power and a right to have their voices and ideas heard and their amendments brought up. That is one of the great traditions of the Senate.

So I say—sort of metaphorically—I am going to tack on the walls of the Senate a few charges. I don't take pleasure in this, but it is time to tell the truth about it.

First, to a degree unknown in the history of the Senate, the majority leader has used his power under rule XIV to bring bills straight to the floor without normal committee process. They are violating and avoiding the

process that goes on in committee where Members offer amendments, have debates, call expert witnesses, and consider these things. It may take weeks or months, but finally a bill ripens and it is then brought to the floor.

The majority leader does have the power under rule XIV to bring a bill to the floor without having had that committee process. The committee process is public, the debate is transcribed, and the amendments in the committee are voted on and recorded. It holds the Senators accountable so the public and their constituents know what they have done, how a bill is progressing, and at the end of the day whether they think they like it or not.

For example, this last-minute fiscal cliff tax legislation didn't go through the committee process. It was a big, important piece of legislation. We have a finance committee that is supposed to debate and decide tax issues. That did not occur with this bill. Additionally, no amendments were allowed to this bill—because it was brought directly to the floor by the majority leader. It is a very bad process. We are too often using midnight-hour votes to ram through big, historic legislation that has never been fully debated. We didn't even have an opportunity to fully read the legislation the night before last. That is not the way to run the Senate. What we know now from a preliminary estimate from the Congressional Research Service is that 58 percent of the bills which came to the floor of the Senate did not come through committee during this Congress. Nearly 60 percent of the legislation was not brought through traditional Senate committee procedures, and that is not good.

Second, the majority leader and the majority were quick to block President Bush's recess appointment attempts. Some of them were dubious; some of them were probably OK. They had the majority. They have done nothing to defend the Senate's historic and constitutional role when President Obama made a much more blatant recess appointment. The institution itself was weakened by this act. The Senate has to defend its legitimate confirmation powers, and there is a limit on the President's ability to initiate recess appointments.

The majority leader—righteous to defend it against President Bush—who is now the leader of this institution, has allowed President Obama to weaken the confirmation process. That goes beyond just the politics of the moment. Maybe it furthers a long-term agenda, but clearly does harm to the long-term interest of the Senate.

Third, the majority has directly violated the formal role of the Senate and plain statutory law that requires the Senate to produce a budget every year. The Congressional Budget Act of 1974 sets up a public legislative process—a public process—by which both the House and Senate must openly confront the Nation's fiscal challenges

every year and lay out a plan. For 3 years the majority in this Senate has refused to comply with the law simply to avoid public accountability.

The majority leader said it would be foolish to have a budget. Those are his words. Senator CONRAD, chairman of the Budget Committee, was clearly uneasy about this. Senator CONRAD was determined—at least in his committee, which I serve on with him—to bring up a budget. We were going to discuss it, mark it up, and then it would be up to the majority leader whether he would ever bring it to the floor because he didn't bring it to the floor the year before.

We have now gone 3 years without bringing a budget to the floor. Apparently, the majority had a caucus within a day of the Budget Committee markup occurring. My staff had studied it, made amendments, and we were going to offer ideas to the budget. But the markup was canceled. Only a shell of this matter went forward. There were no votes, no formal budget process or budget offered. That is directly contrary to the statute of the United States.

The Budget Act requires an open process with committee votes, floor votes, and 50 hours of debate in which Senators who propose or oppose a budget have to do so publicly and with accountability. People should be able to offer amendments so we can have a vote on them.

Senator REID was thinking it was foolish to have his Members actually have to vote on concrete budget proposals. He didn't want them to do so. Apparently, the previous election had not gone well enough, and he wanted to protect his Members from those votes. That is what he meant by being foolish. It was foolish politically for the Democratic Party, but certainly we know it was not foolish for the American people that the Senate would actually discuss the financial future of our country and bring up a budget. A budget can be passed with a simple majority. Republicans cannot filibuster a budget. They get to offer amendments—for a change around here—but they don't get to filibuster it. They get an up-or-down vote—50 votes—after 50 hours of debate.

The leader violated plain statutory law, which requires us to have a budget by April 15 because he didn't want his Members to be accountable, but he blames Republicans for being obstructionists.

Fourth, for the first time in history, the Senate has abdicated the most fundamental requirement of Congress: responsible management of the money that the American people send here. We violated that requirement. Not a single appropriations bill was brought to the floor this year—not 1. That is the first time in history. We researched this—there has never been a time in history when not a single appropriations bill was brought up before the Senate. Frequently we don't get them

all done, so then a continuing resolution has to be passed to keep the government from being shut down.

Congress is supposed to pass the appropriations bills telling the President, and all his Cabinet people, how much money they have to spend in the next fiscal year that begins October 1 of every year. The President cannot spend any money Congress has not appropriated. That is a fundamental requirement of the Senate. That is not just an idle idea, it is a fundamental requirement.

So we get to the end of the year and nothing has been done so we passed a continuing resolution, a CR. We stacked 13 bills—1,000-plus pages of spending—in one continuing resolution, and we just funded the government with no amendments, no debate, and no discussion for 6 months. That is no way to run a government. Each one of those bills is supposed to be brought up: defense, highways, education, health care. People who have amendments are supposed to bring up ways to save money or spend more money on each one of those bills, and we are supposed to vote on them. For the first time in history we did not do that.

Perhaps this was a clever political maneuver. It avoided public debate and public accountability because we had an election coming up in November and we don't want to vote before an election.

Another example is the Defense Authorization Bill. The fiscal year concluded this year without us passing the Defense Bill. The Senate has passed the Defense Bill for 50 consecutive years. Yet, just a few weeks ago, well after the elections, we were finally able to pass the Defense bill.

The House has sent over a budget that lays out a firm financial course for America. They voted on that budget in public. They were prepared to defend and explain their budget. It would have changed the debt course of America. But what did the Senate do? Nothing. Did Republicans filibuster the budget? Did they block a budget from being brought up? No. Republicans demanded that we go through the process. We pleaded with them to have a budget hearing in the committee. We asked them to bring up the budget and noted that they have the power to pass a budget with a simple majority. That is a burden a majority party has, really—to bring up a budget and pass it. It is not easy. It is a challenge. But it is the first time we have ever gone 3 years—or maybe the first time ever we have gone through the situation in which they refused to even bring up a budget. We have had budgets fail in the past, but we haven't had one, to my knowledge, where we just go for years and refuse to even bring one up.

In that secret Budget Control Act deal, we set spending limits on most of the discretionary spending caps, but that is not a budget. There were no amendments. There were no public discussions, no committee hearings, no

floor debate, no 50 hours to deal with the great issues of our time.

One more point. The majority leader has been trigger-happy in filing cloture motions. We have altered the way the Senate operates. We have to plead with somebody to be able to get an amendment in the Senate today. It is amazing. This goes against the history of this institution.

The two great guarantees in the Senate, as Robert Byrd, the great majority leader and historian of the Senate, has said, are the right to debate and the right to amend. Those are fundamental. We are seeing an erosion of both.

So what does this cloture motion do? Senator REID said: I am going to bring up a certain bill, and the Republicans can have five amendments.

Well, we have 15 amendments we want to debate—maybe more—on a bill. Somebody reminded me that the Panama Canal bill had 80 votes to give away the Panama Canal. It eventually got two-thirds votes and passed. It went through weeks of debate and lots of amendments. That is what the Senate is about. Now they say no amendments. So that begins to cause a problem.

The majority leader says: You have to filibuster. You won't agree to my limited number of amendments. You are obstructing. I am going to file the bill and immediately file cloture to end debate. So 30 hours goes by, has the vote to end debate, and says: All this time, the Republicans have been filibustering. The Republicans are obstructing.

Mr. UDALL of New Mexico. Mr. President, would the Senator yield for a question I will ask through the Chair?

Mr. SESSIONS. I yield for a question.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from New Mexico.

Mr. UDALL of New Mexico. The Senator from Alabama—I think we overlapped as attorneys general, and we are good friends—raised this whole issue, and he used the phrase, which has been frequently used on the Republican side, that—and we are getting to this place where we have the opportunity to change the rules. The phrase he keeps using is “break the rules to change the rules.”

This goes to my question: Is the Senator aware that under the Constitution, and specifically article I, section 5, it says that the Senate may determine the rules of its proceedings?

As far as I know—and we have a letter we are going to have printed in the RECORD later—almost all constitutional scholars in this country as well as three Vice Presidents sitting up there where Senator CARDIN is sitting, presiding, have ruled that at the beginning of a Congress, on the first legislative day, the Senate is allowed to change the rules. And the Constitution trumps the Senate rules in that respect in that very early period.

So my question to the Senator from Alabama: Does not the Constitution trump the Senate rules?

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the Constitution does trump the Senate rules. But I would ask my colleague if he is aware of any kind of history of the Republic where we didn't follow the existing Senate rules, which say we should have a two-thirds vote before we change the rules.

Mr. UDALL of New Mexico. May I answer the question?

Mr. SESSIONS. I have the floor, and I will yield for a question in just a second.

But I am not aware of that ever happening. I would ask my good attorney general colleague, who is familiar and understands tradition and the power of precedent, what would keep a Republican majority next year—or if they were to obtain one in the Senate—from changing the rules again and again and again?

The tradition in this Senate has been that to change the rules, we use a two-thirds vote, and we have adhered to that rule. There have been some threats to do the nuclear option, they call it, to use a simple majority to change the rules of the Senate, but it has not happened. I think that is a dangerous thing.

I would also ask my colleague to consider that because he is a young and popular Senator, and he is going to be here a long time—longer than I—and he may be in the minority. That might be a dangerous thought and it may be unimaginable for him today, but it can happen. We had 55 Senators just a few years ago. In two cycles, the Republicans went from 55 to 40.

So I just would say to the Senator, be careful about this. I know the Senator believes in debating, and he is capable at it, and he doesn't want to be able to put us in circumstances that would endanger that.

The point I was making is this: The problem in the Senate is not fundamentally the rules of the Senate; the problem in the Senate is a desire by the majority to move its agenda with a minimum of objection and to eliminate frustrating procedures that obstruct their ability to do what they think is good for America.

But I had that view too. When we had the majority, we wanted to pass the Bush tax cuts, 99 percent of which were extended 2 nights ago—the Bush tax cuts, which were passed for a limited period of time—10 years. Why? Because it took 60 votes to pass the tax cuts and our Democratic colleagues didn't want those tax cuts passed. It was passed through the budget. We requested to only do a 10-year budget. So they were passed as part of the budget process with 50 votes, but they could only last 10 years and then they expire. So that is the rule. They got extended. President Obama extended them once, but we got to the end, and they were

about to expire on January 1, and everybody's taxes were going to go up. We had to pass a law to keep that from happening, and a compromise eventually was reached where most of the taxes stayed where they were and the taxes on the rich went up. I guess that is democracy in America, the way the Senate is supposed to work.

Mr. WHITEHOUSE. Would the Senator yield for a question?

Mr. SESSIONS. I will yield to my former U.S. attorney colleague without yielding the floor. He is younger, and a fine member of the Judiciary Committee and a capable Member of the Senate.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I have a question for the distinguished Senator from Alabama, for whom I have very high regard. He has been my ranking member on the Judiciary Committee, and he is my ranking member on the Budget Committee, and we share the experience of having served as U.S. attorneys. I have great admiration for him.

I heard him say something that brought me to the floor, and that is that it has been the practice of the majority leader to seek to pick and choose amendments the minority may offer. My question to the distinguished Senator from Alabama is, does that not overstate the case? Can he identify a time when the majority leader has ever said to the minority party: You can bring up an amendment, but it has to be this one.

The reason I ask that question is because my understanding is that the effort to control the amendment process by the majority leader has been limited to two things: No. 1, the number of amendments, which makes a lot of sense when we consider that the very small bill to raise the minimum wage that Senator Kennedy offered when I first got here—I was sitting where Senator CARDIN from Maryland is now presiding watching this debate take place on the floor, and they got to over 100 amendments on a one- or two-page bill. The Senate could never get to the bill if Members had to spend the rest of the session going through all these amendments. So to limit the number of amendments seems reasonable.

The other restriction that I think sometimes the majority seeks to impose is that the amendments be germane. I know when I was working with a number of colleagues of the distinguished Senator from Alabama on trying to form a bipartisan solution to the cyber compromise, every time the Republicans and the Democrats got together, we would start our discussion with the same back-and-forth, and that would be the Republicans saying—

Mr. SESSIONS. Mr. President, reclaiming the floor.

Mr. WHITEHOUSE. Please do. The Senator from Alabama has heard my questions.

Mr. SESSIONS. This is a good question. Let me tell my colleague how it

happens in the real world of the minority party.

Senator REID will bring up a bill, and he will say he wants five amendments.

Senator MCCONNELL will talk to Republicans, and they will say: Well, we have 15 amendments. We have a lot of things we want to vote on, some of them germane and some of them not germane.

Nongermane amendments are a historic and critical part of the history of the Senate. You two advocates would never want to give that up. I don't think my colleagues would if they have thought it through. And we are not going to give it up. We are not going to give up nongermane amendments, but there are limits on nongermane amendments.

So Senator MCCONNELL says: Well, we have more amendments than that that we want.

Senator REID says: I am filing the bill, and I am filling the tree, and nobody is going to get an amendment I don't approve.

So we said: Well, we have 15.

OK, Senator REID says, I will take four.

Well, I have an amendment on immigration. I have one on taxes.

No, we are not going to vote on that one. We will take these three amendments, and that is it.

So Senator MCCONNELL and his staff are talking to the Senators, saying: You have five amendments; I can only get you one. He will not accept this amendment. I have been told explicitly that you will not get this amendment or that amendment.

That is happening every day. And he will file cloture immediately and say the Republicans are filibustering when all we are doing is disputing whether or not we get 5 or 15 amendments. What are we here for if not to debate and offer amendments? Do my colleagues mean, in the great Senate of the United States, a Senator can bring up a bill—maybe small in language, about the minimum wage, but it is a matter that invokes philosophical disputes—I will just say it that way.

For the bankruptcy bill, I think there were 60 amendments on that bill. It was a bitterly contested piece of legislation. We had a good number of amendments. Finally, when the Defense bill was brought up after the election just a few weeks ago we were able to get amendments. But still it was less than one would normally expect on a bill spending \$600 billion. Well, at least we got amendments. The bill came up—it came out of committee unanimously.

They would not bring it up before the election mainly because we needed to fix the sequester. Senator REID did not want to talk about that, so he refused, for the first time in 50 years, to bring up the Defense bill. But it finally got brought up. It went through a fairly regular process. People got their amendments, and the bill passed overwhelmingly and will become law.

So that is what the Senate is all about. Talk to people who have been around here, and they will tell you that. I remember standing right there. Senator Specter was a great Senator with a fabulous legal mind. I wanted something. I wanted him to agree to put something in the bill, and he would not agree. He did not want any more amendments. He wanted to wrap it up and get the final vote.

We argued a bit back and forth, and he looked at me and said, in effect: Well, you are a Senator. If you want your amendment, you get your amendment. It interrupted his day, his schedule. But if I insisted, I got my amendment. You are a Senator; you get your amendment.

Well, Senator PAUL, he files a lot of amendments. But he is a Senator. He got elected in Kentucky saying he was going to come to Congress and shake up this place. But he does not get an amendment? Senator REID says: No, you do not get amendments, or you only get this one.

They tried to hold him off from offering an amendment to cut foreign aid. Do you remember that? He would not yield. It went on. He was threatened: You are stopping the bill; you are going to kill the bill. He would not back down.

Finally—finally—they gave him an amendment. It went down by a big vote. It did not pass, but he got to advocate and ask why we were giving aid to a country that was abusing the rights of its citizens, and so forth.

So that is what the Senate is all about. That is all I am saying. This idea of speed is dangerous if it is denying the right of members to debate and offer amendments—if it is altering the nature of this great institution.

Colleagues, I think as a practical matter we have had good success with stacking votes. So if a person wants to speak on a bill, they can speak at 6 or 7 or 8 o'clock at night, and the votes could be held the next morning. It does not take long to have votes, 15 minutes or so to have a vote. We could have more votes and people would be satisfied.

With regard to nongermane amendments, I would suggest they do not come up again and again and again. Somebody campaigned on not giving foreign aid to Egypt, and they came here and they wanted to have an amendment. No, you cannot have it. Well, they are not going to offer the amendment on every bill. They are not going to offer it every year. They just needed to be able to have the American people see this Congress vote on that issue. I think we are better off allowing that to happen than not.

Mr. UDALL of New Mexico. Mr. President, I ask through the Chair, will the Senator yield for an additional question?

Mr. SESSIONS. I will.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. The Senator from Alabama, my good friend and

former attorney general colleague, asked the question—when he was answering the last question I asked—has this constitutional procedure for determining Senate rules at the beginning of a Senate ever been used? Yes, in fact, it has been used, and it has been used a number of times.

I would point the Senator from Alabama to 1975. In 1975, we had the situation where a number of Democratic Senators were pushing for a change in the rules. The filibuster threshold at that point was 67 votes, unlike 60 today. Actually, that was the time period when they moved that threshold from 67 to 60.

What happened was 51 Senators took to the floor and three times voted down the attempt to move away from changing the rules.

Now, I would also note that three Vice Presidents—sitting up where Senator CARDIN, the Presiding Officer, is right now—have ruled that at the beginning of a Congress—you are allowed, the Senate, 51 Senators, to step forward and say: We would like new rules.

What is being advocated on this side is putting rules in place and following the rules for a 2-year period of time.

Mr. SESSIONS. Mr. President, reclaiming the floor.

Mr. UDALL of New Mexico. For a 2-year period of time. And we are not—

Mr. SESSIONS. Reclaiming the floor, because I will yield the floor in a little bit, and the Senator can have an opportunity to talk, but I just want to follow up on that.

Was the final vote by two-thirds or not?

Mr. UDALL of New Mexico. The rule that was changed, when we lowered—

Mr. SESSIONS. I know we lowered the filibuster; a different Congress did. My question is, Was it a two-thirds vote or not?

Mr. UDALL of New Mexico. An accommodation was reached and—

Mr. SESSIONS. Right.

Mr. UDALL of New Mexico. And when the accommodation was reached, then the rule was changed.

Mr. SESSIONS. I like that.

Mr. UDALL of New Mexico. Now, the constitutional principle was made, and it has been acknowledged by three Vice Presidents, it has been used a number of times in the past. The reason we are doing this, as the Senator from Alabama knows, is that the amount of secret, silent filibusters that have occurred here has been extraordinary. LBJ had one. HARRY REID has had close to 400.

Mr. SESSIONS. Mr. President, reclaiming the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator for his advocacy, but I do believe that final vote to change the rule was by a two-thirds vote. If you get a two-thirds vote, you can impose your will—when we do it. The question is, Can you change the rule by a simple majority?



I would say the Constitution does not say what the vote level should be, and it may be possible lawfully to ignore the Senate rule that says it takes a two-thirds vote to change the rules on the first day of session. It may be possible legally to do that.

But I would urge my colleagues not to do that. Just for short-term political gain, we are going to change the historic rules of the Senate, changing the rules of debate in this kind of way? It would be a dangerous alteration of the nature of the Senate, as so many of our more seasoned colleagues have warned us. I will just urge you not to do that.

I will say to both of my fine colleagues that an offer has been made, one I think I am not real happy with, by Senator MCCONNELL. Negotiations are under way now to try to resolve some of the difficulties that are ongoing. But I would urge you to pull back and not pull the trigger on what has been called the nuclear option—to use a simple majority to change the rules of the Senate—which could change the very nature of how we do business and the qualities of the Senate that make it different from the House. That is my concern there.

So the filling of the tree—one more thing I would like to say about that. I had a chart on it. I think Trent Lott used filling the tree eleven times; Bill Frist, fifteen; it was used one or two times by previous majority leaders. But it has grown, and Senator REID has filled the tree 70 times already.

Basically, without going into details, filling the amendment tree allows the majority leader to block amendments. Historically, there was no limit on amendments in the Senate. If a Senator had an amendment, he came to the floor and offered the amendment, and he would try to be courteous and not abuse his power, but he got a vote on the issues he believed were important.

We should not limit that. We should not have the majority leader rejecting certain amendments because he does not like them. Really the reason he rejects them is they are often tough amendments, uncomfortable votes for the Members of his conference, and he does not want a vote on a tough issue. So, he blocks it from ever being voted on to protect the Members from that.

I heard Senator MERKLEY—I see him on the floor—talk about his vision for a more open Senate. I have heard him talk about how he conducted himself as the speaker of the house in his home State and how it was more vigorous in debate, in open debate.

In sum, my colleagues, this is what has happened: The biggest change by far, the thing that is causing the angst in the Senate and disrupting the Senate—other than the majority's fundamental determination to avoid responsibility and avoid voting on the tough issues of this country; and that is a big one, and I have detailed that—but the fundamental thing is, this majority

leader is consistently using the device of filling the tree to block the free flow of amendments, to reject certain amendments he does not like, and control the Senate in a way that is contrary to our history, contrary to our tradition, and contrary to the public interest.

We are having too much of the majority leader bringing up bills like this last fiscal cliff legislation. I warned months ago we were going to end up at the 11th hour and 59th minute. I wrote in the Wall Street Journal a month ago, they are waiting until the 11th hour, the 59th minute to bring up the bill so you have no amendments, you do not even get to read the thing—do not even get to read it. You get a summary of it—have to vote yes or no—or we go over the cliff. That is not the way this business ought to be done.

So I urge my good, vigorous colleagues, who believe in debate and openness, not to shut off debate, not to move in that direction, to focus on an open process by which these matters are debated openly and the American people can determine whom they agree with.

They might not like what I have to say. They might vote me out of office. I am sure it would make a lot of people happy.

Mr. MERKLEY. Mr. President, will my colleague yield for a question?

Mr. SESSIONS. I will yield briefly for a question without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. I appreciate my colleague coming to the floor and starting to talk about rules. As I was listening back in my office to the Senator's presentation, and he may have enhanced it while I was walking over here, but the Senator was noting, essentially, what sounds like a very one-sided piece of the puzzle; that is, that the majority leader or the floor manager is in a position of negotiating or restraining what amendments the minority does. However, the Senator might be unaware that it is actually two-sided in that it is traditional for the floor leader on the Senator's side or the minority leader, the Republican leader, to also veto the Democratic amendments. Of course, I have had untold dozens of my amendments vetoed from being presented.

So you have this negotiation that is taking place between the leaders on the two sides over what they will admit. That hits both sides equally, basically, because your amendments may be ruled out; my amendments may be ruled out. Your leader may actually not like your amendment, and may say to you: Well, the other side will never agree to your amendment. Actually, it may be your own leader killing it. That may happen on my side too; my leader saying: Oh, no, the other side will never negotiate over your amendment. They will never agree to it. Maybe it is on my own side.

Mr. SESSIONS. Mr. President, regaining the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. There is no constitutional power for a leader. I love MITCH MCCONNELL. He does not get to pick my amendments. Where did this come from? You just got elected. You have ideas. You ought to be able to come down here and advocate for your ideas. Traditionally, it has always been any Senator can offer an amendment.

As Arlen Specter said to me: Well, I do not agree, but you are a Senator. You want your amendment, you get your amendment.

That is the way the Senate is supposed to work. We will have done something dangerous if we get to the point where now I have got to go to Senator MCCONNELL and plead with him, and then he has got to go to Senator REID and say, well, Senator SESSIONS wants this amendment, he is insistent on it. Senator REID would then have to approve and then he comes to me and he approves? Where did this come from? I am just telling you—you need to think about how the Senate is supposed to operate. It may take a few more votes; it will take some more votes. But that would be better than this process of groveling around here, pleading with somebody to give you a minute. Amendments—we have spent days, I think, since both of you have been here—think about it—days—squabbling over amendments and not a single vote occurring.

To my colleague from Oregon, would the Senator disagree with this?

Mr. MERKLEY. Would the Senator yield?

Mr. SESSIONS. Would the Senator disagree?

Without yielding the floor, I yield for a question.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. I think my colleague from Mississippi—

Mr. SESSIONS. Alabama.

Mr. MERKLEY. Excuse me, I am sorry, Alabama. If the Senator listened to my floor presentation, he would know I already agree with much of what he said.

Mr. SESSIONS. I know the Senator does.

Mr. MERKLEY. And, indeed, I feel we need to have a process where amendments are considered. In a situation where neither side is vetoing the amendments of the other, I wanted to make sure that we completed the picture for the public that not only is the Democratic floor manager vetoing Republican amendments, but the Republican floor manager is vetoing Democratic amendments. It is because of this that the two end up in negotiation.

Mr. SESSIONS. Right. I think that is true.

Mr. MERKLEY. So I wanted it to be clear it is bipartisan.

Mr. SESSIONS. Reclaiming the floor, I think the Senator is correct. I would

say both—it is not good. Why should they be picking your amendments? Why should Senator MCCONNELL be picking your amendments? It is flabbergasting to me about how we came to this point. It is like a frog in the warming water. You have come to the process in the middle of it where the traditional rights of a Senator have been eroded, and you are trying to deal with that situation and craft a solution that is dealing with an alteration of our historical procedure. We should go back to those.

When I asked the question about time—and how few amendments we have and actually get votes on—I think people should understand what I am saying. The Senate will not slow down. It will not slow down if we have amendments. Most Senators will agree to make their arguments at a time when something else isn't happening on the floor. They get their vote, maybe the next day. I don't think that is the problem. The problem is leaders want to control the debate. I think those of us underlings sitting at the kiddie table, as somebody said, need to get in the game.

There is no constitutional power given to the majority leader or the minority leader. It is a matter of courtesy. As far as I am concerned, they work for us. They work for the Members of the Senate. We don't work for them, they work for us. They are supposed to facilitate our rights as Senators. We have acquiesced and allowed an erosion of those rights.

A person is not going to offer his amendment every month, every year. In a 2-year term, Senator PAUL stood in there and finally got his amendment on foreign aid to Egypt. He is not going to offer it again next week. He had his vote and he lost.

I think there is just as much a hullabaloo about nothing if we would turn, quit filling the tree, quit attempting to control the flow of amendments in this body, we would shock ourselves how much better this body operates. I am tired of having to ask people for permission to file an amendment. That is where we are, and you should not have to do it.

The majority leader has got 1 vote out of 100, and I have got 1 vote out of 100. They meet in secret; they plot this bill on taxes. It comes up at the 11th hour. We don't get to read it and we don't get to amend it. Every Senator here and their constituents has been diminished in power by having that happen. We have got to stand up, all of us, Republicans and Democrats, liberals and conservatives, and defend the system. It will be better if we let it run as it is supposed to run—good debate, good amendments, stand before the American people, be accountable for what you did, and go back home and defend your record.

I know there are some tough votes. It was a tough vote for me last night. I voted for that bill. I am not sure I did right, but I was confident it was the

right thing to do. But I didn't like it because I didn't get to read it sufficiently. I didn't get to know what was in it sufficiently. It had things in it I didn't like. But in the long run I thought it was going to be best for the country to move this issue behind us and move on, so I would say that also.

The majority leader's sole power and strength comes from the ability to be recognized first. The majority basically selects Senator CARDIN to preside. They trust him to preside. When the majority leader hits the floor, Senator CARDIN is going to recognize the man who selected him. The majority leader of the majority party and all the presiding officers are members of the majority party—and I used to preside in that fashion when we had the majority. That is the way the system works.

I would conclude by telling my colleagues I have enjoyed this discussion and leave one bit of warning. If this were to go to the nuclear option and substantial changes were made to the free debate and the free right to amend in the Senate, this will not be accepted. It will be a historic and dramatic change in the nature of the Senate. This Senate—I have now talked to Members—will not go quietly. It will not be treated as a legitimate change. We will resist in every way possible, and we will have a most disagreeable and difficult time in the body. So I would urge my colleagues, keep working with this compromise and maybe something could come out of it. Everybody can accept advancing some of the ideas you would like and maybe dealing with some of the concerns I would like.

One more example of how this political body should operate was the Democratic majority—the minority, when President Bush was elected—decided to filibuster Federal judges for the first time, systematically filibuster them. They were holding up nine, I believe, judges of high order. It went on for weeks, over a year, as I recall. Senator Frist threatened that they would use this procedure, or something like it. The result of that was a Gang of 14 reached an agreement and said there wouldn't be a filibuster of judges except in extraordinary circumstances. So the nuclear option never took place, the rules were never changed, but Members of the body in a collegial fashion agreed that, okay, we won't eliminate filibusters entirely, but we will only do it in extraordinary circumstances.

I think the best wisdom at this point is to draw back from the nuclear option to see if we can improve the way the Senate works and at that point we could perhaps improve the institution without endangering its fundamental character.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, let me thank the Senator from Alabama for his comments today. I think

they are helpful in moving us forward, and I hope very much that we can find a way to go forward without having to use the constitutional doctrine that at the beginning of each Congress the Senate has an opportunity to adjust its rules with 51 votes. I think that is constitutional doctrine at this point.

I reject the notion that it is breaking the rules to take advantage of that constitutional moment. But the Senator makes a fair point that from a point of view of precedent—very different than breaking the rules, but from the point of view of precedent—it sets a new standard that we should be very cautious about going to.

I strongly support the Senator's recommendation that there needs to be a more vibrant amendment process. I believe the status of the discussion is regarding the filibuster on the motion to proceed, that if the majority leader is able to move to procedure without a filibuster, there will be amendments under that rule. I think that is an important qualification as we go forward.

Mr. SESSIONS. Mr. President, would the Senator yield briefly?

Mr. WHITEHOUSE. I yield for a question.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I will tell the Senator my concern and ask the Senator if he has a thought about it. I am uneasy about giving, for the first time, explicit power—

Mr. WHITEHOUSE. Mr. President, may I reclaim the floor for one moment? I will yield the floor, not just for a question—I will yield the floor to the Senator from Alabama with the understanding that I will be recognized at the conclusion of the point he makes, so he does not have to frame it in the nature of a question.

The PRESIDING OFFICER. Without objection, the Senator from Alabama is recognized.

Mr. SESSIONS. My concern, which I have expressed in my conference, is I don't like the idea that we codify in the rules explicit supersenatorial power to a chairman and a ranking member of a committee, and we have almost no recognition in our rules of the majority leader. This is a tradition; this is a way we operate.

Each one of us is 1 of 100. We are equal in our responsibilities and in our ultimate voting power if we don't allow it to be eroded. As I understand the rule, there would be four amendments, you know, guaranteed up front by leaders. Think about that, as I know you will be active, both of you, in the discussion of how to write these compromises, and I am hopeful we will reach one. But I wouldn't, in a non-partisan comment—I am not sure we ought to further embed in our rules superpowers to one Senator or another group of Senators. Has the Senator thought about that?

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I appreciate the point the Senator from Alabama is commenting on, and I think it is important that we recognize that is a floor or a minimum number of amendments and not a ceiling. I think the more we can allow Senators amendments, the better institution this will be.

That said, the calendar is unyielding. Days come and days go, Congresses end, work periods end. The majority leader and minority leader have the responsibility for trying to fit the work into those time periods. Clearly there is the prospect of vexatious amendments, either in nature or in number, whose purpose is to interfere with their ability to manage the floor in a sensible way for all of us. I think we do have to be prepared to defend against that, and I think number and germaneness are the usual touchstones.

The story I was telling, when the Senator from Alabama reclaimed his time, was of the cyber negotiations. When the Republicans and Democrats met together, the opening moment of virtually every discussion was the Republicans saying, when we get this bill to the floor, there will be amendments, correct? We were saying, absolutely, that is our understanding, we will stand by you having your amendments, but let us have them be germane, let us have them be relevant to cyber. That was always kind of a mutual agreement going forward until a Senator came to the floor and gave notice that they would insist on a repeal ObamaCare amendment on any cyber bill. That threw a pretty big spanner into the works of what I thought was moving toward a good bipartisan solution there.

I think we have real problems here in terms of the abuse of the filibuster. When the majority leader can say that Lyndon Johnson as majority leader faced 1 filibuster, and this majority leader has, I think he said, 291 times—391 times had to file cloture, that is a pretty big change.

When you see judges who have been cleared in the Judiciary Committee unanimously sitting on the Executive Calendar in what has become a hostage pool for purposes of trading—these are judges who are ready to go, and there may very well be a judicial emergency in their district; they have Republican and Democratic support, and they are held hostage to be used as trading pieces on either judges or other issues—I think that is a very poor way to go about doing business, particularly when you consider where that leaves an individual who has put their life on hold waiting to see if they will be confirmed, and all they are is a pawn in a chess game, even though everybody thinks that substantively they are qualified and should serve as judges.

You see situations in which we have a cloture fight and then, when we actually have the vote, the measure passes with 90-plus votes. Clearly, there was

not a great dispute over that. That is cloture being used for obstruction and to, I believe, take those 30-hour blocks of cloture time and stack them up into a wall of obstruction.

I will say one final thing and then I will yield the floor. The good Senator from Alabama mentioned the budget process, and he is our ranking member on budget, so he knows this very well, but I have to dispute his description of the budget not passing and of why the majority leader said it would be foolish to have a budget.

The reason it would have been foolish to have a budget is because we had a budget. In the ordinary course, a budget is developed from the committee up. We start in the Budget Committee. We propose a budget. It then goes to the Senate floor. We have budget day, which is often irreverently called a vote-arama, where we vote and vote and vote on amendments, and we ultimately get a budget. A similar process happens in the House. The President then has a budget to work with and we go forward.

In this case, because the question of the Nation's budget is such a hot political issue, the budget was negotiated at the very top, between the President and the Speaker and the Senate leadership, and it was passed into law. We didn't pass a budget; we passed a bill. We passed a law, and the law set the budget. So when your budget is being set by law, yes, it is a little foolish to go through the process as if none of that had happened and try to build a budget from the ground up when it has already been established by law and when we wouldn't change it with our budget procedures. It has already been established by law, by negotiations at the highest level.

So I think that is why it was foolish. I think the budget process will continue to go forward in circumstances in which we are building a budget from the ground up, the way we do in the ordinary course, but I do think it was important to clarify that.

With that said, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. If my colleague from Rhode Island would be willing to yield for a question, I do have a question for him.

Mr. WHITEHOUSE. I believe the Senator has the floor, but I will stay and engage in a brief colloquy, if that is the Senator's desire.

Mr. MERKLEY. We heard a few moments ago from our colleague from Alabama that the problem of the Senate being able to process bills is completely as a result of the inability to offer amendments. There are certain things that don't seem to quite square with that.

For one, is my recollection correct that we have had quite a few filibusters on judges where no amendments are relevant?

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. WHITEHOUSE. Yes; that is absolutely true. It is hard to amend a judge.

Mr. MERKLEY. Is the same true of efforts to get to a conference committee after we have already passed a bill and all the amendments have been previously considered?

Mr. WHITEHOUSE. That is also true. In fact, I believe there have been multiple filibusters of the various steps on the way to a conference committee, even after all amendments have been considered. So the Senator, I believe, is correct.

Mr. MERKLEY. Is the same true on both conference reports and final passage? Neither of those involve amendments, but have there been extensive filibuster efforts to keep this body from ever being able to complete one piece of business and move on to the next?

Mr. WHITEHOUSE. I think that is true, and nobody is more alert to this than the Senator from Oregon, but it is my belief there has been a little transformation in the nature of the filibuster. It always used to be the individual right of individual Senators to get up on their feet and to say their piece, to hold the floor for as long as they needed to and to speak themselves—to read the Bible, to read the Constitution, to read the phonebook—into exhaustion. They did so when they felt deeply about an issue, when they were deeply opposed to something on the floor.

Then cloture came along and it established a 30-hour block of time for debate. But, tellingly, it didn't require anyone to do any debating during those 30 hours. My belief is the minority party figured out if they filibustered everything, including very popular bills and amendments and judges that normally pass with huge majorities—up in the nineties—then each time the majority leader has to file cloture we end up with another 30-hour block of floor time that can't be used for anything productive. If that is done hundreds of times, that becomes thousands of hours of floor time, and it is very often why people who are watching us, expecting to see debates on the floor, see the tedious quorum call. They see our wonderful floor staff quietly reading the names of the Senators as the quorum call drones on and nothing is happening.

That puts immense pressure on the majority because they now have less and less and less time to work with because these 30-hour bites of time over and over again have been taken out of the year and it makes doing business very difficult.

That, I believe, has been the transformation. We have changed from being a Senate where an individual Senator has the right to get on his or her feet and oppose anything with a filibuster for as long as they can stand on their feet to a Senate where the minority filibusters everything, creating these 30-hour blocks of dead time

which puts great pressure on the body to try to get things done in the time that remains. That is my view of why we are where we are and why it is important to change the rules.

I will yield after saying I do think the Senator from Oregon and the Senator from New Mexico have done this body a great service by their leadership on pressing forward on rules changes. I think it is very clear that however this ends up turning out, the majority leader has 51 votes for a change to put the Senate back on a footing where it is behaving as a Senate again and we are not spending our time in the dead zone of endless quorum calls.

I yield the floor.

Mr. MERKLEY. I thank my colleague from Rhode Island for his very lucid commentary.

We do have a responsibility to enable this body to debate and decide issues in order to address the big issues facing America. It certainly is not the case that we have been fulfilling that responsibility. This is why the popularity of the Senate and the House has dropped to incredibly low levels, because people see there are big challenges in America—big challenges about investment and infrastructure, big challenges about the management of our military policy and our military provisioning, big challenges in regard to the environment, in regard to health, and certainly big challenges in regard to education. So no matter how long the list gets, we just get more and more and more paralyzed and unable to address anything in this body.

Tomorrow is the first day of the next legislative session and my colleague from New Mexico has arrived and I ask unanimous consent that we be allowed to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m., with all other provisions remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. So my colleague from New Mexico has made this powerful case about our responsibility and about the opportunity provided under the Constitution, and I have been immersed in trying to wrestle with the components of how we actually seize that opportunity in terms of the substance, the material we put together to make this body work better. But the important thing is that tomorrow this begins.

In that regard, I yield to my colleague from New Mexico, who has been, again, at the forefront of calling for us not to bypass this opportunity to have this body engage in the debate and figure out how we can change the way we work so we can do the people's work as is expected.

Mr. UDALL of New Mexico. I thank my colleague very much, and let me say to my colleague from Oregon, who has been a real leader on this, he has been diligent, he has studied this, he cares about it, and he has been a great partner. The packages that were voted on the last time we helped put those together—and there were two very significant votes, as Senator MERKLEY realizes. We came very close. We had 44 votes for a package that would make 4 or 5 changes and then his package on the talking filibuster, which was included in both packages, received 46 votes. That showed that if we had the opportunity at the beginning of a Congress to change the rules under the Constitution, we were very close to the 51 votes.

I just want to comment on what my colleague from Rhode Island said earlier—Senator WHITEHOUSE—and repeat that because we have been counting the votes over the last couple months. We have been trying to determine if the votes are there in order to be able to change the rules, and we know at the beginning of a Congress that we need 51 votes.

I also want to respond to several things that were going on here earlier on the floor. Several Senators made statements, and several of those statements were from the other side. I believe they should be responded to because we are in this crucial phase in terms of adopting the rules.

The first issue that comes up is this issue of breaking the rules to change the rules. This has been what has been repeated numerous times in the last couple months with our Republican friends and colleagues coming to the floor. They use the phrase “break the rules to change the rules.”

In fact, when we use the Constitution, there is no conflict with the Senate rules because three Vice Presidents have ruled from the chair, where Senator CARDIN is now sitting, that at the beginning of a Congress, on that first legislative day, we can change the rules, and we do it pursuant to the Constitution.

The Constitution, at article I, section 5, says the Senate can determine the rules of its proceedings. Every constitutional scholar I know of who has looked at this realizes that is the window—that first legislative day—in order to deal with the rules. So when, in fact, we legislate on that day in a rules context, we are not breaking the rules; we are creating the rules for the coming Congress—in this case, the 113th Congress. We are creating the rules that will govern.

Do I think we should use the Constitution to change the rules every couple weeks after we put rules in place? Of course not. That is not fair to do. We would never be advocating for adopting rules and then changing them every couple weeks or every couple months. In that situation, there is a high threshold to change the rules, as it says in the Senate rules.

But I want to engage in this colloquy with my colleague from Oregon, first of all, on this issue of the constitutional option and in terms of utilizing the constitutional option at the beginning of a Congress; putting the rules in place and then following the rules throughout the Congress. I ask my colleague: Isn't that the way we are intending to move?

Then, secondly, the heart of the matter—and this is where Mr. MERKLEY, the distinguished Senator from Oregon, has been instrumental in terms of helping us deal with the dysfunctional filibuster system we have right now—we have a secret filibuster. We have a silent filibuster—in fact, we have way too many filibusters. Just to give a little comparison, when LBJ—Lyndon Baines Johnson—was majority leader for 6 years in the 1950s, he had one cloture motion filed—one filibuster. HARRY REID, whose office is just a few feet from here, as the President pro tempore knows, comes to the floor and he has had close to 400 filibusters in his 6 short years. So they have gotten completely out of hand.

One of the things I want to talk to my good colleague, the Senator from Oregon, about, in addition to this constitutional option—the small window we have tomorrow on the first legislative day—is also how do we remedy this situation in the Senate? Everyone acknowledges the Senate has become dysfunctional; that we are not doing the work of the American people. We hear our Republican colleagues say they do not like the way it is working. So I ask: What is the best way to get to the heart of that? Is it the talking filibuster? Is it trying to change the rules on the motion to proceed? How do we get at the heart of what the problem is?

I yield for my colleague.

The PRESIDING OFFICER. Without objection, the colloquy is extended.

Mr. MERKLEY. I thank my colleague from New Mexico. I am going to be very brief, because in 2 minutes I am taking the chair so my colleague from Maryland can continue with his schedule.

Indeed, the silent secret filibuster that is occurring in the Senate today is deadly. What it means is that after there has been a vote of 41 who say we want more debate, there is no more debate because no one is required to debate. Instead, they don't want to appear in front of the American people and make their case, and that is outrageous. If you are voting for more debate and you are going to take up the time of this institution, time it could be using to address many of the challenges that face America, then you should have the courage of your convictions to make your case on this floor before your colleagues, before your constituents, before the American public, and engage in that dialogue. If you don't feel you want to spend the time and energy to do that, then you

should stand aside and we should proceed with a simple majority vote and address the issue at hand.

I do think we need to address that silent filibuster, that secret filibuster. The American people deserve to know why it is we are not getting their work done. And if they can see that it is being blocked by a group that is publicly making their case, they can either agree with them and say, That person is a hero, they are standing up to some core principle and we salute their efforts, or they can say they are a bum, because all they are trying to do is paralyze the Senate, they are not making any valuable points. And that feedback I think will help us resolve some of those filibusters.

In some cases folks have said, Well, isn't that going to eat up more of the Senate's time? And I respond, No, it is not. Because we are talking about what is now silent and hidden but paralyzing us being done in public, where there is actually a dialogue about the issue at hand and the public can participate. It is not the only thing that should be done, but it certainly is a key part of the formulation.

With that, in an hour or so I would be happy to rejoin the conversation.

I yield the floor for my colleague from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. Mr. President, I thank the Senator from Oregon, because he has elucidated here the real issue that we face as a Senate.

The Senator from Maryland, who is presiding, knows well. He has worked on the rules, and I hope he will join me here for a minute to talk about the rules situation we are in and where we are headed.

There are several issues that are before us: How do we move into a more deliberative body? How do we move to the point where we get on to legislation, that we have amendments, we let everyone be heard, we let the minority be heard, and also at the end of the day be able to get to a majority vote? That is the way the Senate used to proceed, and now we have one Senator holding up the whole show.

Frequently you will have a Senator who will block hundreds of bills with these secret, silent filibusters. We shouldn't be allowed to have that kind of situation with any Senator, and we need to give up that little bit of power to make the institution itself a better institution. This institution is a great institution. It has a lot of very capable people in it. But it is not responding to what the American people want us to do. That is why we address the rules at the beginning of every Congress and why we should address the rules at the beginning of every Congress.

I ask unanimous consent to allow my friend, the Senator from Maryland, and I to engage in a colloquy.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. UDALL of Colorado. I yield for the Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator UDALL for taking the time and for his commitment to this institution so that it operates correctly. I thank Senator MERKLEY for his leadership.

I agree with both Senators. If you are going to engage in extraordinary action such as a filibuster, you should be on the floor talking about it. That makes sense, that when the Senate is in session, we should be conducting business. We shouldn't have to go through extensive quorum calls because a single Senator is objecting to us proceeding. We want to get back to the traditions of the Senate where this becomes the greatest deliberative body in the world, where we debate issues and we resolve issues and we act on issues.

I was listening to the distinguished Senator from Alabama, and he was pointing out how he believes that the Senate is not working the way it should and that we should be debating more amendments. I think we should be debating more amendments. I think the key we need is that we need to change the way the Senate has acted and operated in recent times, and that means we need to get more legislation more quickly and actually debate bills. We have to have committees able to report out legislation that could be acted on on the floor of the Senate. We have got to bring issues to conclusion.

There are two problems here, as I see it: One, we have had individual Senators who have used their right to object to a unanimous consent, delaying almost indefinitely—in some cases killing—legislation from being able to move forward by a single objection, and a lot of times they are not even on the floor of the Senate to make that objection. They just through their leader say, We don't want this bill to move forward; and maybe, yes, we will let it move forward if you will let us have 50 amendments. That is the same as killing the bill.

So we have seen individual Senators exercising their right to object who have brought legislation to a standstill on the floor of the Senate. That is wrong. And as my distinguished colleague, the Senator from New Mexico, pointed out, the majority leader has had to file record numbers of clotures to end debate because the minority party, for whatever reason, has not allowed us to proceed with legislation for debate.

Normally the majority party has the right to determine the agenda of the Senate. They don't have the right to pass bills; that is up to a majority of the Senate. But the majority leader should have the right to bring a bill to the floor of the Senate. That has been denied over and over by the minority party. That is wrong.

I agree with my friend from Alabama that there should be the right to offer amendments. I think we should debate issues. I agree with that. But that

hasn't been the problem. The problem has been that a certain number of Members have used their right to object, working through the Republican leader, blocking us from considering a lot of bills on the floor of the Senate.

So what do we need to do? We need to be able to first move legislation forward. We need to be able to bring bills out of our committees and have them on the floor for debate, get on the amendment process.

We just took up the National Defense Authorization Act. We used that process. It worked. That bill passed the Senate by an overwhelming number. We considered many amendments. By the way, every amendment was considered by a majority vote. That is how this should work. Majority rules should rule on the floor of the Senate. I agree with all of that.

The first order is to be able to bring bills to the floor in a more efficient way. The second problem we have, quite frankly, is that the Republicans have blocked the ability to orderly consider the nominations of the President, whether they are his Cabinet or subcabinet positions or whether they are the article III judges. In many cases, once we get to the nomination it passes by an overwhelming majority. I can't tell you how many nominations have been approved basically by voice vote in the Judiciary Committee that have had to wait months for consideration on the floor of the Senate. In my State of Maryland we had several nominees, not controversial at all, who had to wait month after month for confirmation before they could sit as a district court judge.

First of all, it is unconscionable to make people wait when we need to have judicial positions filled. Secondly, it is affecting us getting the very best people to step forward to serve, because do they really want to go through that type of uncertainty, not even clear whether the Senate will act on their nomination before it adjourns? So the second issue is we have to act on nominations in a more efficient way.

The third—and I agree with my colleagues here. Ultimately, the majority of this body should be able to move legislation. And at a minimum, I agree, if you are using an extraordinary measure as a minority to block legislation, you should be on the floor of the Senate speaking on that issue. Your responsibility should be to talk. If you are using a filibuster, you should be there engaged in that filibuster.

I think these are reasonable reforms that we should try to move forward. This body operates on a lot of unanimous consents; we move a lot of legislation. We have what is known as the hot line, where at the end of the day we try to clear bills and then the leader brings them to the floor for consent or voice vote. At times there are Members who put a hold on a bill, and we have had Members who put holds on hundreds of bills. They should come to the floor to object. In many cases these are

not broad bills. These are bills that affect perhaps land in New Mexico or establishing a national park in Maryland that have gone through the whole committee process and we have worked out all the cost issues so there is no cost involved. They have passed the committee by overwhelming majority votes—in most cases unanimous votes. But now you need to move them forward so we put them on the hot line, and we don't even in some cases know who is objecting. The Senator who objects should come to the floor of the Senate and object and give a reason. I know we got rid of the so-called secret holds, but they still exist today. We should operate with Members being here on the floor conducting business, not in their office either in the Capitol or in their home States. They should be here on the floor of the Senate if they intend to exercise their right to object, and then give us an opportunity to work that out so we could move legislation more efficiently.

The bottom line, what we need to do, is make this system work more efficiently. This is the greatest deliberative body in the world. We should be debating issues. That means bringing bills to the floor in a more timely way, getting on amendments in a faster way, voting and debating issues for the American people.

I applaud the Senators from New Mexico and Oregon. They have taken the leadership on bringing this to the attention of the American people. I think for too long a period of time Americans didn't focus on this issue.

Well, they are focused on it today. They understand that a lot of the bills they wanted to see passed in the 112th Congress didn't get passed and they want to know why we didn't even debate those issues.

Let us reform our rules and procedures on the floor of the Senate to reflect the best traditions of the Senate. That is what the Senator from Oregon, the Senator from New Mexico, and others are trying to do.

The Senator from Alabama talked about restoring the traditions of the Senate. I hope we can do it in a bipartisan manner. That is the way it should be done. We should come together to preserve the institution. It should work whether the Democrats are in the majority or the Republicans are in the majority. The same rules should work. Whether we are in the majority or minority, we should believe that we should come to the floor of the Senate to debate the issues that are important to our constituents.

I thank again my friend from New Mexico for allowing me to engage in this colloquy with him. I applaud him again for standing up on this issue. I know it has been difficult at times when many people come over and say, Why are you trying to change the traditions of the Senate? The truth is we are not trying to change the traditions of the Senate. We are trying to restore the Senate to the type of body it

should be. I don't think there is a single Member of the Senate who believes that we conducted business in the best traditions of the Senate during these past 2 years, and that has been because we have seen the abuses of individual Senators holding up bills and not being able to debate issues. We have to overcome that. I think we have a chance to do that at the beginning of the 113th Congress, which will start in less than 24 hours from now. I am pleased that the three of us will all be in the Senate in the 113th Congress, and I hope we will have a chance to resolve these issues because I think it is critically important for the people we represent in our respective States and in the country.

Mr. UDALL of New Mexico. The Senator from Maryland hit on a couple of incredibly important points here, and I hope he has a minute or two to further engage in a colloquy.

First of all, we shouldn't be saying all the credit goes to me or to the Senator from Oregon. Senator CARDIN, the Senator from Maryland, participated very actively 2 years ago in the key group of Senators who were trying to understand what the rules were all about, why the Senate wasn't functioning, and how do we get to the point of drafting a package and working out a package to make it happen. I congratulate him for that.

I want to also congratulate the Senators who have worked on this from about 2006 on. Those Senators have come in and they have seen the Senate not be the way it should, not maintaining those traditions of debate and discussion, and then finally, at the end of the day, acting on those important problems.

The Senator from Maryland knows that history. I appreciate exactly what he said. It should be bipartisan. As he knows, what frequently happens around here is that when you get close to having 51 votes—which we have today, we have 51 votes, and the majority leader has 51 votes to be able to walk down here and say: These are the rules we want, and to do it. When the reality sets in on the Senate that we have 51 votes, then people start thinking, how do we want to put this together?

A bipartisan tradition is important. We have—the Senators from Oregon, Maryland, myself—we have all invited our Republican friends and colleagues forward, saying: Engage with us to get back to the point where this Senate can operate in a bipartisan way with respect to the rules and with respect to the substantive legislation.

What I want to ask the Senator from Maryland has to do with the President's team. We only have one President at a time. We have Barack Obama in as President. He was reelected. He still has people from this Congress—a large number of judges, of nominees—who are held up for months and months. Does the Senator from Maryland believe that the nomination proc-

ess is broken, that we need to move forward, to find a way so we can get up-or-down votes on some of these nominations, whether they be judicial, whether they be people who are going to serve in these Cabinet agencies?

Mr. CARDIN. I thank the Senator for raising the issue. Let me tell people what happens all too frequently in this body. The President will nominate a person to be at a Cabinet-level or sub-Cabinet-level position that requires confirmation of the Senate. Individual Senators say: I have a problem. Maybe it is the person in the health department. I have some problems in the health department that I would like to see paid attention to. It has nothing at all to do with the nominee. In fact, getting a confirmed person in that position would be very important to getting those issues resolved. The Senator uses what is known as the courtesy of a hold to hold up that position in order to try to get changes made in that agency. That may take a week. That may take a month. That may never be resolved. In the meantime, we are not acting on many of the positions that require confirmation from the Senate.

I think we are down to about 500 positions now that require Senate confirmation. We streamlined that in the last Congress. We eliminated some that required the confirmation of the Senate. That was a good change we made 2 years ago. That worked. We now have somewhere around I think 500 or 600 positions that require Senate confirmation.

Let me give a little arithmetic here. If the majority leader has to bring a cloture motion in order to break an individual hold of a Senator on those 500 nominees, the Senate will do nothing but nominations. We will not be able to do any other business because, as you know, it could take up to 30 hours of postcloture time to consider just one nominee. So under the current rules of the Senate, if one Senator wants to stop the confirmation process, that Senator can basically stop it and bring it to a halt. That has happened. We have seen that happen too frequently.

One of the suggestions that has been made is that when we have these confirmations that have been approved by the committee, allow us to bring them to the floor and certainly eliminate or restrict the postcloture time because it is not used other than for a delay purpose. In that way, we can bring forward nominations more efficiently. If there is a serious problem, let a Senator register the problem. Let a Senator come to the floor and speak about the person. But we have not had discussions on the floor.

It is interesting—when we finally break that hold and the nomination comes forward, we finally get a cloture motion passed, the debate time is virtually zero. There is no debate time needed for these. It is not as though Senators are delaying it because they need debate time. These are strictly dilatory actions.



For the sake of any administration, whether it is a Republican administration or Democratic administration, whether it is the first term or second term, that President should be able to get his or her team in place. Yes, we should take seriously the advice and consent of the Senate. That means we should vote on those nominees. If there is a serious concern, let's vote on it, and if we want to filibuster it, be on the floor debating why.

We think the minority has a responsibility—or in some cases it could be a minority within the majority—to argue why we believe it is important to bring this matter to the attention of the American people. But don't continue the practice that has been used in recent times where nominations are delayed months and sometimes indefinitely because of basically unrelated issues or the will of the minority or a number of Senators—in some cases, just a handful. That should not happen. We should be able to do these more efficiently.

We have a recommendation for this, and it is very simple: Let's eliminate the postcloture time. That way, we would be able to bring the nominations to the floor and act on them in a much more timely way if there is really an issue about getting a vote on a nominee. There are ways we could do that, but it should be part of the reforms of the 113th Congress.

I thank Senator UDALL for bringing up that issue. That is a very important issue for any administration, whether it is a Republican or Democratic administration. It is hard to hold an administration accountable if they do not have the confirmed top leaders of their team.

Mr. UDALL of New Mexico. The Senator from Maryland has really hit it on the head. You do not have to go any further than today's Executive Calendar. We all have them on our desks. You pick up the Executive Calendar and, talking about approving these nominees and judicial nominees, executive nominees, here I see on page 4 that we have people who have come out—this is for the judiciary—have come out of committee March 29, and they have not gotten a vote. Here is another one from April, reported by the committee—April 26, May 17, May 17, June 7, June 21. These are nominations where people have stepped forward. They want to be public servants. The President has nominated them. They have been through the committee process, and they are just waiting.

As the Senator from Maryland said, what ends up happening is that good people are discouraged from taking these jobs. My grandfather used to say that if you do not have good people in government, the scoundrels will take over. We are discouraging good people from getting into government. You need good people in public service, and we are discouraging them by setting up a process where, as the Senator from Ohio told me—he had a judge recently,

and he told the gentleman: This is a long process, it is laborious, it is tedious, and it will probably take you a year if you are willing to go through this. When the judge finally agreed, it took 2 years from the time the President put him forward until he was actually on the bench.

I ask the Senator from Maryland, does he think people are going to put themselves out there, and doesn't this discourage good people from getting into public service? Don't we want the very best and the brightest on our benches and in the executive branch working for the American people?

Mr. CARDIN. I can tell my friend from New Mexico, that is happening today. I have talked to people in Maryland who are very reluctant to put their names forward because they do not want to put their families and themselves through the uncertainty.

Let me tell you what happens. Let's say you are a distinguished attorney in a law firm and we would love to get you as an article III judge, so we convince you. You are the most distinguished person for this job, the person everybody wants, not partisan at all, no controversy. The Bar Association will give you the highest ratings. You have already been vetted through the FBI process. There is nothing in your background that would raise a concern with anyone. But you look at the calendar here and say: If I go through this, I am going to be on this calendar for at least 6 months, it looks like. What does that do to my law firm? Can I try cases? What do I do for the next 6 months? It is not fair to me, it is not fair to my law firm, and it is not fair to my family. So you are not going to put yourself forward.

Let me tell my colleagues about another problem. In many of these circuits where these judges are sitting—these nominees are waiting month after month, and we have judicial emergencies. We have a chronic problem of moving cases in these circuits, where the administrators of the courts—these are independent branches of government—tell us they cannot do their job because they do not have the manpower to do it. And we are holding up confirmations not because of any substantive reason but because of the process or because of one person in the Senate who, for reasons unrelated to that individual, is holding up all of these nominations. That is not right. We are denying our country the very best, who cannot step forward under this type of circumstance, and in many cases we are denying justice in our circuits because we do not have people in place to be able to timely resolve rule-of-law issues, which is the basis of our system here in America.

It is a very serious situation. We need to resolve how we handle the Article III confirmation process in the next Congress, which starts again in less than 24 hours, as well as the individuals whom we want on the boards who need confirmation—the sub-Cabinet and Cabinet positions.

The same thing is true of Cabinet positions. If you are an expert in securities issues and we want to get you on the Securities and Exchange Commission and you have to be out there for 6 months, what is it going to do for your business? Can you do your profession?

It is just not right. I think people are willing to be subjected to the scrutiny of advice and consent. They understand that. What they do not understand is dilatory delay, and that is what has to come to an end.

I thank my colleague for raising those issues.

Mr. UDALL of New Mexico. I thank the Senator from Maryland. He is passionate about this, and he has explained it very well. I ask any Senator to look at this Executive Calendar today. We are doing exactly what my grandfather advised against when he said that if the good people do not go into public service, the scoundrels will take over. You get second-class government. You don't get good people. We are discouraging good people from going into the government with the procedures we put them through, with the length of time of this delay. This is not what we should be doing in the Senate.

I yield.

Mr. CARDIN. I ask my colleague—I daresay most people in this country do not know what a motion to proceed is all about. They do not realize the majority leader cannot bring a bill. A bill might be reported. We might have a farm bill or a Defense authorization bill or we might have a bill coming out that reforms some of our judicial codes. It comes out of the committee with a bipartisan vote. I think our constituents will be surprised to learn that the majority leader cannot bring that bill to the floor. It has to go through what is called a motion to proceed.

What might happen in that motion to proceed? You might just tell us the problems we have today because we couldn't get to a lot of motions to proceed.

Mr. UDALL of New Mexico. The Senator from Maryland has hit it on the head. Look at what we are talking about on a motion to proceed. I think it would surprise the American people to know that if the majority leader comes to the floor, now we have—this is not to make it partisan in any way—55 Democratic votes. The majority leader says: I see we have a serious housing problem. We want to put a housing bill onto the floor of the Senate.

I don't think people realize that the majority leader, if he doesn't have any agreement at all, then has to file a motion to proceed to that bill. If all the delay and roadblocks and obfuscation are put in front of him, it takes him 8 days to get to the bill if he can get 60 votes. If he does not, he probably wastes a whole week trying to get to the bill, and he doesn't get 60 votes, and then we fold it down and say: What is the next issue we should move on to?

As the Senator from Maryland knows, we have to be able to put bills onto the floor and give them the time they deserve. We are wasting all this time up front that we could have a bill on the floor, we could have amendments, we could have debate, we could have all of those things going on that we know are the way the Senate should work.

I yield.

Mr. CARDIN. Under current policy, the motion to proceed has to be approved before anyone can offer any amendments. My friend from Alabama is talking about amendments. We cannot offer any amendments until we get the bill to the floor. So the majority leader is trying to bring up this bill to deal with housing because we have a housing crisis. It came out of the committee, everybody was ready to move on it, but he cannot get the motion to proceed approved. Now we are literally in no-man's land. We cannot offer amendments and cannot proceed on it.

The majority leader has one of two choices: He could wait for us to reach an agreement—if we ever reach an agreement—or file cloture. He should not have to do that. He should be able to offer the bill and offer amendments and get started. We cannot do that. We have to approve the motion to proceed first. So the majority leader tries to condense the clock. People complain that we are not getting work done, so he files cloture on the motion to proceed. As a result, we have to waste one full legislative day before we can get through to the vote on the cloture. If we get to the vote on the cloture—this is on the motion to proceed. This does not deny the right of any Member to offer any amendments, whether germane or not germane.

Let's say the majority wants to approve the motion to proceed and get 60 votes on the cloture—and, remember, this is the third legislative day. Let's say it is approved 95 to 1, because there was one objection. That's why we could not get the motion to proceed done. Now we are on the third legislative day and we have 30 hours of postcloture time. Another 2 days go by, and we are now on the bill, but we cannot debate the bill. We have not even started the amendments.

My friend from Alabama is saying he wants to deal with amendments. Well, I want to deal with amendments. Why do we have to waste all those days to get to the bill? That makes no sense at all. A lot of us think we should be able to bring up a motion to proceed. We have some recommendations on how we can expedite that and guarantee some amendments as part of the process. That is all part of what we have all been working on: How can we get the Senate back to its traditional way of considering legislation in a fair manner and making decisions?

At the end of the day, this is a democracy and the majority should be able to control the policy of this body. At the end of the day, it should be able

to do that. Certainly those who object should be on the floor telling why they are objecting. I think that is what we are trying to do. We are trying to get this process to work in a fair manner, and I understand we have to protect the rights of the minority.

My friend from Alabama raised a very good point. There are no guarantees of how long one party will be in the majority. We understand that. The political whim of Americans changes over time, political preferences change over time, and we have to make sure that the rules we operate under protect both the majority and the minority. That is absolutely important.

The Senate is a deliberative body, and we want to make sure that all rights are protected, including the minority. However, what is wrong is when one, two, or a small group of Senators can basically bring this institution to a halt. They have done that over the last couple of years at a time when we could have done more business. I think starting tomorrow we have a chance to change some of those procedures. I hope we will be able to get that done.

Senator UDALL has really brought these issues to light—whether it is the motion to proceed so we can start debate or whether it is how we can dispose of amendments, handle a filibuster, deal with court and other nominations, these are all important issues. How we deal with what we call comity, or respect of Senators, how Senators deal with objections, how they should be on the floor of the Senate to raise those objections, and how objections are done.

When a committee is considering a bill on the floor and the managers are considering that legislation—they have an orderly way to consider the amendments—and all of a sudden we hear one Senator objects and stops us from moving forward on amendments—well, that should not take place. If the Senator is going to object, have the Senator on the floor saying why he or she is objecting. Don't do it by saying we can stop consideration of the bill and go into a quorum call and lose all that valuable time.

I think there are some commonsense changes. I do hope we can get Democrats and Republicans joining together for these reforms. Whether Democrats or Republicans are in the majority, that is how the rules should work to protect all the Members of this institution.

Mr. UDALL of New Mexico. To the Senator from Maryland, I have one more question if he has time. First I want to respond as to the motion to proceed and what he has just talked about. This means we cannot get on legislation, as he laid out, for a large number of days. Sometimes we burn a week and several more days before we are able to get on to the bill.

The Senator by the name of Senator Pete Domenici, whom everybody knows very well, served for 36 years in the Senate and was my predecessor. He

served on bipartisan study groups to look at the rules. We have had many study groups such as that. They have always concluded that the motion to proceed should be short and significant, and we should get on to the bill.

Senator CARDIN has worked very hard to do the same with a bipartisan group to say: How can we make it work better? How do we make this institution work better? The reality is we get on to the bill, allow amendments, allow debate, and allow discussion. That is the way to move. On a number of occasions this has been bipartisan. I hope we can join together.

My question goes to a different part of the rules. As the Senator from Maryland knows—and we both served in the House together—today we have a Democratic Senate and a Republican House. The way to resolve differences between the two is to go to conference. That is the best way to bring the expertise of both bodies and the people in the bodies who know the substance of the legislation and bring them together if there are differences. If they both pass a bill, they get together, resolve those differences and then the respective Houses pass them and they go on to the President.

We now have in our rules for the Senate three debatable, filibusterable motions to go to conference. We look at them and we say: Well, they are basically about going to conference. Let's shrink down the proposals we are hearing. Why are we putting a filibuster in place to get into conference to try to resolve disputes?

I know the Senator has looked at this issue. My question is: If the Senate is able to pass a bill on housing—to use the housing example—and they are very different bills, but if we have smart people from the Senate and the House who are on the Housing Committee getting together—as the Senator from Maryland knows—we can resolve those differences. We can find the common ground and move forward.

I ask the Senator: Aren't our rules a little bit antiquated in terms of having three motions to go to conference and allow a filibuster on every one of those rules?

Mr. CARDIN. The Senator is absolutely right. I think when those rules were promulgated, the view was they would be done routinely and that there would never be a challenge to the action taken. The action is going to conference, appointing conferees, and instructing the conference. The Senator is absolutely right, they are all the same. It is getting us into conference where the House and Senate Members can be together, resolve their differences, and report a common bill back to both bodies. That is the whole purpose of a conference committee.

I think it is particularly important today that when we have the House controlled by Republicans and the Senate controlled by Democrats, we should use regular order. We should meet with our Republican-controlled delegations

with the Senate and try to resolve our differences in an open and transparent way that the rules apply.

Under the current rules, since each one of those is a separate action—as Senator UDALL pointed out—we can object to it being routinely approved. At that point, under the current rules, we can force—this is all precloture—a cloture motion being filed on each one of those three separate actions.

I already went over how much time it takes for a cloture motion to ripen. Let's assume we can get over that hurdle—which we cannot—each one of those cloture votes, even though they may be 99 to 1, will have 30 hours of postcloture. If we start to add it up, we are going to lose over a full week just to get into cloture, which obviously means we cannot get it to conference. We cannot use the deliberative process to resolve our differences and we cannot use the Senate unless we have unanimous consent, basically, and that is wrong.

So we do have a recommendation, and I am pleased the Senator pointed out that we are working with Republicans. We have had a group of Democrats and Republicans working together to try to resolve some of these differences, and I think there is general agreement to collapse those three motions into one motion so that at least we can eliminate the extra two votes and potential cloture votes and postcloture time which would be required. I think that is a relatively easy change for us to make. I don't know of anyone who objects to that. I have not heard of anyone who objects to that. I hope we could get that done.

When we start looking at where we could change the procedures and where we hope we could get bipartisan support, I think going to conference is one area on which we could get bipartisan support.

I agree with the Senator in that I have not heard of anyone who believes the motion to proceed has been used in the proper way. I think we can find a way to condense that. I hope we can. There have been some bipartisan recommendations to have orderly ways in which we could go to the motion to proceed immediately by certain guaranteed amendments or where the two leaders have agreed to go to a bill, so I think we could do that.

I think there has also been some agreement on the nomination to shorten the time so we can move that along. I think we have both Democrats and Republicans who are in agreement with that. I hope we can figure out a better way so we don't have to file all these cloture motions and waste a lot of time and those who object on the floor with the burden to debate the issue—I think that is the important reform that needs to be done.

Mr. UDALL of New Mexico. The Senator from Maryland has been here a little bit longer in the Senate than I have. Could the Senator talk about how many conferences we have done?

The Senator has served in the Maryland Assembly in the legislature. The Senator saw conferences all the time. I remember in my early days in the House, we had conferences all the time. My sense is the majority leader, in looking at this path to get to conference, has said, well, that takes too much time.

Mr. CARDIN. I probably am in a position that most of the Members of this body are not in. I have served on one conference committee—I have been here 6 years—and it was a successful conference committee. It dealt with the payroll tax extensions and some of the other changes. I was able to serve on that and we were able to reach a conference agreement and we were able to get our work done in a timely way. We got it done early by Senate standards and the legislative standards. I am trying to think if there were any other conferences that were reported back. I think we had one maybe on aviation that was reported back. I don't think there were more than a handful of conferences that have met in the last several congresses. There were maybe a couple each Congress. Think about how many bills were between the House and the Senate. It is a rarity. It is virtually not used. Interestingly enough, when it is used, we generally get better results, earlier results, and more open results.

I appreciate the Senator mentioning serving in the State legislature. I am a former speaker of the State legislature. I think we get better laws when we use the legislative process and have a more open process where the committees work and bring the bills to the floor, actually debate them and amend them on the floor of the Senate. That way when there are differences between the House and the Senate, they are worked out by the Members. They actually meet and work out their differences.

We are the ones who are accountable for the legislative process. It should not be some supercommittee or bargaining units that are set up by the President and the Congress. They should not be the ones. It should be the legislators who make these decisions, and that is why I think it is so important to get the committees functioning, get the floor of the Senate functioning, and get the conference committees functioning. I think if we can do that, we are going to get better laws, laws that make more sense, better understood, and that will stand the test of time. That is what I think all of us are trying to do.

We seek these jobs because we believe in our system. We believe in the richness of an independent legislature where we are held accountable for the work we have done. Quite frankly, it is difficult for us to get our work done in an accountable way if we don't have an open and transparent system. When we don't have conference committees that can function or we don't have committee work that can come to the floor of the Senate, then we are diminishing

our constitutional responsibility to the people who elected us.

Mr. UDALL of New Mexico. I thank very much the Senator from Maryland for his commitment to pursue these bipartisan rules changes to make sure the rules get changed. I know I reminded him about my predecessor, Senator Domenici. Senator Domenici would fight hard, and whenever he tried to look for bipartisan solutions, coming down to the motion to proceed, Democrats and Republicans said we have to get off this motion to proceed and we have to get on the bill. So I thank the Senator from Maryland.

Mr. CARDIN. The Senator from New Mexico has been the one who has brought this to us, and I know he has included others and certainly Senator MERKLEY has been in the forefront of this. The Senator from New Mexico has taken a real leadership role and he has done it in an open way. We want this done with Democrats and Republicans working together because we recognize the system only works when Democrats and Republicans can come together. That is why he has taken the time today on the floor of the Senate, and he has been very open about this issue. He has taken it to a lot of groups explaining the impact.

People ask us all the time: Why can't we do more to help the environment? Why can't we do more to help working families? Why can't we do more for affordable housing? Why can't we do more for affordable health care?

We say: We can't get that bill to the floor of the Senate.

They say: What are you talking about? You are a Senator. Bring it up on the floor of the Senate.

We heard Senator SESSIONS say the Senate can offer an amendment at any time. Just try.

We want the system to work. Whether a person is a Democrat or a Republican, we want the system to work. That is why we are taking this time today, at the end of the 112th Congress, to say: Look, what happens on Senate rules and procedures affects every person in this country.

I have talked to so many people who have come into my office with individual concerns, including families who are worried if their children will get the type of attention they need if perhaps they have a disability and they are working on a bill that will help, and they have all these cosponsors of the bill and they hear the committee reported it favorably and they are wondering why we can't act on it on the floor of the Senate. That is what is at stake. We can say to them: Oh, I am a cosponsor of that bill. I voted for that bill, but the bill didn't become law because of the process we have now.

That is what we have to correct. That is going to be our responsibility starting tomorrow, at noon, to deal with rules and procedures so we are in a position during the next 2 years to end the gridlock that has happened on

too many issues. Yes, the public understood somewhat the gridlock on the fiscal cliff. They don't understand the gridlock on that bill that affected that family with a child with a disability. They don't understand why that bill couldn't make it to the floor of the Senate. We understand that. What the Senator from New Mexico is doing is taking action so we can be held accountable and do our work in the most efficient way. I am proud to join him in these efforts and I urge all my colleagues to do everything we can in the next 24 hours so we can get progress made.

Look, we all know we are not going to get everything we want. This institution doesn't work that quickly, but let's make progress, and I think we can make progress in the 113th Congress.

I thank the Presiding Officer and I thank the Senator from New Mexico for their leadership.

Mr. UDALL of New Mexico. I thank the Senator from Maryland for his sincere effort to pursue bipartisan rules reform because I think, if we all work together, we can make the Senate a much better place.

I am reminded, when we have these discussions about the great traditions of the Senate, of two periods of time when the Senate truly stepped to the plate. We had crucial national issues facing us then and they were issues of war and peace. They were issues of terrible environmental destruction. The fact is the Senate, in its best traditions, stepped forward and acted and moved forward. One of those great traditions of the Senate acting occurred in the 40 years before the Civil War. People may not know it, but it was the Senate and the legislation that was passed through the Senate and signed by the President that for 40 years held the Union together. They held the country together, and they didn't let the country get into Civil War. It was people such as Webster and Calhoun and all the Senators at the time focusing on what the issues were. Whether it was the Missouri Compromise or some other issue that had to do with slavery, they found the common ground, and they held the Union together and they did it for 40 years.

That, my friends, is in the best traditions of the Senate, thinking and figuring out where the common ground is. We can't do that. We can't carry out that tradition unless we can get bills on the floor and we can amend them and have debate and then eventually get to a majority. Of course, we want the minority to be able to be heard, offer amendments, but the crucial fact is, at the end of the day, unless there is such a strong minority in terms of its activity, we get to a majority vote.

The other period of time where the Senate was in its glory days was in the 1960s and 1970s and we had huge national problems in terms of civil rights. We had lynchings going on, we had discrimination going on, including housing discrimination, discrimination in

public accommodations, and there was a big push to try to get rid of that in our society. It was the Senate that stepped forward and crafted civil rights legislation that allowed us to move forward.

Many people will remember in the 1970s, the glory days of the Senate, when we had environmental destruction, rivers catching on fire. The Wilderness Act, the Clean Water Act, the Clean Air Act, all those pieces of legislation were crafted in the Senate by people such as Senator Ed Muskie and Senator Stafford and others. They were Democrats and Republicans working with each other, but it was because we could get the legislation on the floor and work on it and amend it and move it forward and allow the deliberative process to work.

I submit the Senate has been at these two periods—and I am sure scholars and our Senate Historian and others can point out other periods—but these two periods struck me: the period of the 40 years before the Civil War when the Senate, in its deliberative way, held the Union together for 40 years and in the 1960s and 1970s when we addressed civil rights, environmental legislation, and many of the other big national issues we were facing.

So here we are as a country with the need for having a national energy policy, for dealing with issues such as climate change, protecting middle-class families, and trying to make sure we have job growth and economic development; doing everything we can to bring down the cost of health care but making sure our citizens have high-quality health care.

We face tremendous issues, and the Senate, in many cases, has been unable to act. We have been unable to act because the rules are being abused. This filibuster is not out in the open. It is secret, it is silent, and we have the opportunity to act on the first legislative day.

So on that first legislative day, I will offer a motion. It is a very simple motion my predecessor, Clinton Anderson, offered. He offered it for the 25 years he was in the Senate. On the first legislative day he would offer a motion. He would move to adopt the rules of the Congress—for him, whatever it was. So this motion dealing with tomorrow: move to adopt the rules for the 113th Congress and then we focus on it. We focus on what those rules should be.

I know our Republican friends realize, I know they understand the dysfunction and hopefully they will find a way to join with us to make the Senate a better place.

#### EXTENSION OF MORNING BUSINESS

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that morning business be extended until 5 p.m., with all other provisions remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RULES CHANGES

Mr. UDALL of New Mexico. I will finish by thanking my friend, a very close colleague on this particular issue, the Senator from Oregon. I know he has worked diligently on framing the talking filibuster, trying to bring it open, and make it the public process that will work for the whole Senate. He has been a key player in all the other rules reform, especially those two packages we put forward in the last Congress. I thank the Senator from Oregon and I thank the Senator from Maryland.

I now see on the floor the Senator from Illinois, who also has been here for a significant period of time. He has watched the rules operate, and I think he believes there has been a lot of abuse and we need to get down to the business of reforming these rules in a way that is going to work for the minority, because we know we will be in the minority sometime and work for the majority, so we can do the work of the American people.

I yield for the Senator from Illinois.

Mr. DURBIN. I thank the Senator from New Mexico and the Presiding Officer, the Senator from Oregon, for their leadership in talking about rules reform. They are relatively new to the Senate. I have been here a few years and I have seen a dramatic change, and it is not for the better.

I can recall when I came here fresh from the House of Representatives, as the Senator from New Mexico did, and I had my first amendment on the floor. A lady named Lula, who was the floor manager on the Democratic side, came up to help me, this brandnew freshman, with this first amendment. She said to me: So let me explain that you have 1 hour and then the Senator on the Republican side will have 1 hour.

I said: Well, is that equally divided?

She said: No, you have an hour.

To say to a Member of the House "you have an hour" is just unthinkable. You get an hour for a special order at 11 o'clock at night; otherwise, 60 seconds is considered to be a luxury in the House. I didn't know what to do with an hour and I certainly didn't use it all. But it is an example of a time when amendments came to the floor with real debate, and there was a Senator from South Carolina who opposed my amendment on the floor as well.

I can also remember coming to the floor and offering amendments literally on the spur of the moment on something I thought was worthy. I didn't always win, but that wasn't the point. I wanted to have debate and then a vote and it happened. Now that is almost unheard of. We go through these vote-athons, where we have these long series of amendments with 60 seconds of debate before the vote. It troubles me because that isn't what the Senate is supposed to be about.

I had a friend of mine in the House—the Senator from New Mexico probably heard of him—Mike Synar of Oklahoma. Mike Synar used to listen to Members of the House of Representatives whining and crying about the

controversial amendments they were forced to vote on. Mike Synar, who was rather candid in his comments, said: If you don't want to fight fires, don't be a firefighter. If you don't want to vote on controversial amendments, don't run for the House of Representatives. That is what we are here for.

I tend to take the same point of view, maybe because after a few years a Senator votes on everything at least once.

But we have to get back to where we aren't just lurching, as we are now, from one quorum call to another, an empty Senate Chamber, waiting for something to happen. There is a lot out there for us to talk about, and we should. I think the American people would feel a little better about us if we sat down and at least honestly debated an issue and voted with some frequency.

What we are trying to do now is to stop what I consider to be the gross abuse of the filibuster. What we have been through here has destroyed the functionality of the Senate. To think any person can come to the floor and basically bring this place to a halt not just for an hour or a day but maybe 1 week, that goes way beyond what I believe was the intent of creating this body. We wanted to be here in those historic moments of titanic debates over issues that changed the course of history and to reflect and respect the rights of the minority. But now it has become one sad example of obstructionism after another.

I think the Senator from New Mexico is moving in the right direction. I am not sure we will achieve exactly what he wants, but I can say we wouldn't have this conversation unless the Senator from New Mexico and Senator MERKLEY had shown such initiative for years—they have been at this for years, if I am not mistaken—and I do believe it is going to end up in changes to Senate procedure, which I support, that will try to make people stay on the floor.

I have one example. The Senator from New Mexico may remember when a Senator from Kentucky, now retired, Senator Jim Bunning, objected to the extension of unemployment benefits. We wanted to extend them for literally millions of Americans, and he stood up at his desk on the Republican side and said, "I object," and then sat down. That was the end of the story. That was really the end of the debate.

So I went to the floor, and I said: I just want to give notice to the Senator from Kentucky I am going to renew that request every half hour, so you better return to the floor—because he has to object every time. This was late at night.

We mobilized a number of people in the cloakroom, and we came to the floor and we kept it going. Finally, he got up and complained he was missing the University of Kentucky basketball game on television because of this. I thought: Several million people are missing unemployment benefits because of this too.

So that is in the nature of what the Senator is trying to achieve. If there is something important enough to stop the course of the Senate activity, to stop the business of the Senate, then you should be prepared to be on the Senate floor and argue your case and bring your allies with you. If they will join you, then perhaps you will have a debate that is worthy of this body.

Unfortunately, we now have Members who make their objection and leave for dinner or for the weekend or to attend a wedding, which happened once, and you do not see them again, and the Senate waits and waits and waits. That does have to come to an end.

I thank the Senator for his leadership on this important issue. I do not know that we will take it up tomorrow, but I think we will take it up very soon, and we should.

I thank both Senators.

#### REMEMBERING DANIEL K. INOUE

Mr. CONRAD: Mr. President, I want to take a moment to honor the life and career of my colleague and friend, Senator Daniel Inouye, who passed away on Monday, December 17 at the age of 88.

To say that Mr. Inouye lived a full life would be an understatement. A veteran of World War II, Mr. Inouye served his country valiantly in Italy before sustaining an injury that would claim his right arm. The bravery shown by Mr. Inouye during his service to our country later earned him the Bronze Star Medal, a Purple Heart, a Distinguished Service Cross and ultimately, the Medal of Honor, the highest military award.

Mr. Inouye began his political career after graduating from the University of Hawaii. He then obtained a law degree from one of my alma maters, the George Washington University. After first being elected to serve in the Hawaii territorial House of Representatives and later the territorial Senate, Mr. Inouye became the first person from Hawaii elected to the United States House of Representatives after Hawaii became a state in 1959. After serving 3 years in the House, Mr. Inouye was elected to the Senate where he would go on to be elected to serve the people of Hawaii 9 times. In June of 2010, Mr. Inouye was elected to succeed Senator Robert Byrd as President pro tempore of the Senate.

Throughout his political career, Senator Inouye was first and foremost a servant of the people of Hawaii. He has served them in Congress ever since Hawaii was admitted to the Union. After over five decades of service, it is no wonder that Dan's mark can be seen all across the islands. I was proud to serve with Senator Inouye on the Indian Affairs Committee, where he was a voice for the Native Hawaiian population. Throughout his career, he worked tirelessly to ensure that Native Hawaiians had access to education, healthcare, and jobs. One of his achievements was

the Native American Languages Act, which has helped Native people preserve and practice their tribal languages. In particular, during my first term in the Senate, Senator Inouye worked with me in the committee to pass legislation providing compensation for two Indian tribes in my State that were impacted by the construction of the dams along the Missouri River. That effort provided a critical source of funding for the tribes to restore their economic base.

Senator Inouye also fought hard to defend Hawaii's natural beauty. Because of his efforts, thousands of additional acres have been added to national parks, wildlife refuges, and nature preserves. It would be hard to imagine what Hawaii would be like today without Senator Inouye's leadership and effective representation. His love for the people of Hawaii was on his mind and in his heart even at the end, when the last word he spoke was "Aloha."

In his role as chairman of the Appropriations Committee, Mr. Inouye fought for aid for my home State of North Dakota after devastating, record breaking flood waters decimated the community of Minot in 2011. Mr. Inouye used his power to ensure that the residents of Minot received critical aid to help them rebuild their lives.

Mr. Inouye is survived by his wife, Irene Hirano; his son, Ken; and granddaughter, Maggie. His service to his country is second to none, the loss of Mr. Inouye will be greatly missed in his home State of Hawaii and here in the Senate.

#### RESOLVING SPENDING ISSUES

Mr. KERRY: Mr. President, earlier this week I supported this agreement to avoid unacceptable tax increases on the middle-class, and to at last begin to undo the damage to our fiscal standing that began 11 years ago when President Bush signed into law unaffordable tax cuts for the wealthiest Americans. Make no mistake; that unfair and unaffordable tax policy has been the biggest driver of the fiscal mess and the complete ideological rigidity of congressional Republicans on the issue of tax policy has been the biggest obstacle to cleaning up that mess. That House Republicans remained intransigent even after the stroke of midnight on New Year's Eve just shows in very stark terms the dimensions of that problem.

In contrast, the Senate acted in an overwhelmingly bipartisan way to make the best out of a bad situation. This, at least, sends a good message to the country that there's hope that Washington can function.

But the fact that even against the ultimate drop-dead, high stakes deadline, so little common ground could be found itself underscores the dangerous situation we have found ourselves in these last years. This may have been the best that could have been accomplished at

this late hour, but it was not the best we could have done for our country or our economy.

We all knew from day one there was universal agreement about the need to protect 98 percent of American taxpayers and 97 percent of American small businesses from a tax increase. Now, having done that, I hope this removes, once and for all, the key obstacle that has stood in the way of our ability to seriously tackle our longterm fiscal problems.

Nonetheless, taking into account the actions we took in this bill—which are significant for the working families in this country—we still face a budget woefully out of balance that will threaten our Nation's future prosperity if Congress and the Administration do not get more serious about genuinely addressing these issues.

This should not come as news to anyone. The message we received over and over from budget experts, businesses, global investors, financial markets and others has been loud, clear, and consistent.

We continue to face unprecedented economic challenges, both domestically and globally. How we respond will determine if the United States can continue to claim our position of leadership in the world or whether we will have to cede that spot to someone else.

Just a couple of reminders:

Federal debt held by the public currently exceeds 70 percent of the Nation's gross domestic product, GDP, a percentage not seen since 1950. If we keep going in this direction we are looking at significant longterm damage to both the government's finances and the broader economy. The more of our resources that have to go toward higher interest payments, the more difficult it is to invest in our most urgent priorities like education, research, and infrastructure to fuel growth and prosperity. The more constrained we are in terms of Federal dollars, the less able policymakers will be to respond to unexpected challenges, such as economic downturns, natural disasters, or financial crises and the less attractive we are as a place for global investment.

Our population is changing. The aging of the baby boom generation presents enormous challenges—none of which can be solved in a political environment where one side turns tax cuts for the very wealthy into a holy grail of American politics.

Finally, we must reverse the troubling trend of increased income inequality in this country. For too long, those at the top of the income scale have prospered while everyone else struggled or fell behind. This is not sustainable.

These are big, important issues, not just for our Federal budget, but for our very quality of life.

The decisions we make—or fail to make—in this decade on new energy sources, on education, infrastructure, technology, and research, all of which are going to produce the jobs of the fu-

ture, and our decisions on deficits and entitlements will without doubt determine whether the United States will continue to lead the world or be left to follow in the wake of others, on the way to decline, less prosperous in our own land and less secure in the world.

We tried to tackle these problems several times over the last few years—including on the Joint Select Committee on Deficit Reduction on which I served. Each time, the ideology of tax cuts for the wealthiest, supply side economics, and Grover Norquist tax orthodoxy got in the way of good policy and doomed the best possible outcomes.

Now, staring at the edge of the so-called fiscal cliff, we had another chance to demonstrate to the American people and to the world, we are capable of focusing on the future and solving big problems. Unfortunately, again, while for now we may avert the fiscal cliff, this is another tragic missed opportunity in solving the big challenges in a way that is fair.

One more time, we had the chance to prove our fiscal discipline was a prize well worth achieving, to make our country a safe haven for investment and to earn back a modicum of respect for Congress from the American people. In the end, this agreement does not do all of what voters sent us here for—we didn't make difficult and sober choices about taxes and spending priorities that would have restored the full measure of fairness and started to put America's fiscal house in order.

The problems we confront certainly do not go away because we were able to cobble something together. In fact, these problems very well could be compounded because the more we delay the tough choices that are truly needed, the more severe those steps will have to be in order to have any impact at all.

I am disappointed that this bill did not lay out a path or process for fundamental tax reform, which is desperately needed. Our individual tax code still is skewed in favor of the already wealthy and further widens the chasm between rich and poor. Our corporate tax code is not keeping pace and will continue to threaten the ability of U.S. businesses to compete and U.S. workers to prosper in a 21st century global economy.

I am equally frustrated that this package did not establish the needed framework for how we should strengthen our entitlement programs by looking for reasonable ways to reduce their costs, just as we did in the Affordable Care Act. It is critical we start taking real steps now to protect these programs in ways that are fair and which guarantee that we keep the promises we made to seniors when they were created.

I'm relieved that the agreement averts a 27 percent cut in Medicare physician payments for 2013 so that seniors will continue to have access to their doctors. But a one-year fix falls far short of a permanent solution, which I have long supported.

Every Medicare expert knows that Medicare's Sustainable Growth Rate (SGR) formula is irreparably flawed and needs to be repealed. I continue to believe that Congress should permanently repeal the SGR and offset the cost with savings from capping a portion of the spending for Overseas Contingency Operations, OCO, below amounts in the Congressional Budget Office, CBO, baseline.

This latest Medicare physician payment fix comes at a great cost to the health care industry in Massachusetts including our hospitals, dialysis providers and manufacturers, Medicare Advantage plans, and medical imaging manufacturers and world-class physicians who rely on this life-saving equipment.

For example, the agreement offsets the cost of SGR fix with about \$15 billion in hospital cuts including: \$10.5 billion in coding adjustments, \$4.2 billion in Medicaid Disproportionate Share Hospital, DSH, payments, and \$300 million from reducing payments for stereotactic radiosurgery services. I am concerned that continued cuts to our hospitals will ultimately jeopardize beneficiaries' ability to access care.

The agreement also lowers Medicare reimbursement for medical imaging by \$800 million, leading doctors to hold on to their old equipment longer and preventing patients from accessing the newest technologies that are better at finding early-stage diseases. I have long opposed this policy which is particularly difficult for Massachusetts because we have thousands of jobs directly tied to medical imaging technology.

Additionally, I'm particularly concerned that Medicare payment reductions for dialysis services could undermine kidney care at dialysis treatment centers across the state as providers are adjusting to a new Medicare payment system.

This package also fails to resolve potential problems with the looming cuts of sequestration because it does not include more deliberate spending decisions. We have only avoided sequestration temporarily. I hope the Senate will consider legislation to reduce wasteful and unnecessary federal spending as soon as possible. There is room to make appropriate changes in federal spending.

But let us be clear that there's a big difference between wasteful spending and necessary investment. Cutting critical areas of public investment, like education, transportation, and scientific research is precisely the wrong way to promote long-term economic growth and is in fact counterproductive to longterm deficit reduction because it's the enemy of growth which produces revenue. As we look at the next round of budget discussions, we must ensure that these long-term investments are expanded and not indiscriminately hit by short-term across the board spending cuts. There are better ways to spend our scarce Federal



dollars, and we all should be willing to have those honest conversations.

Finally, I am particularly concerned that we may again see our Nation's credit rating used for political leverage when we return to the unfinished business of how to fund the Federal government for the next fiscal year or two.

Despite how it looked from the outside, the process of getting us to agree on a package of tax cuts and delays in spending reductions was the easy part. The most difficult issues remain. Our Nation needs 100 Senators and 435 Representatives who face the facts and find a way to work not just on their side, but side by side.

We still have a lot of work to do to resolve our differences and face our Federal spending issues.

#### TRIBUTES TO DEPARTING SENATORS

OLYMPIA SNOWE and KAY BAILEY HUTCHISON

Mrs. BOXER. Mr. President, I rise today to pay tribute to my colleagues, Senators KAY BAILEY HUTCHISON and OLYMPIA SNOWE.

We have served together in the Senate for two decades and I will dearly miss their grace and their friendship. I know that whatever the next chapter brings, both Senator HUTCHISON and Senator SNOWE will leave a lasting and important legacy.

Both of these Senators are true pioneers. When she first entered Congress, Senator SNOWE was the youngest Republican woman ever to serve in the House of Representatives. Senator HUTCHISON graduated law school in 1967 as one of only 5 women in a class of 445 men. When she arrived in the Senate in 1993, she became the first woman to represent Texas in this Chamber.

Throughout her career, Senator SNOWE has been a strong advocate for the people of Maine. Whether they were children, families, consumers, or small business owners—the people of Maine knew they had a great champion in Senator SNOWE.

Senator SNOWE always worked across party lines to get things done for the American people. During her time in the House, she worked with Senator MIKULSKI to lead the fight to end the exclusion of women in health trials at the National Institutes of Health. She worked with Senator ROCKEFELLER to help bring the internet to America's libraries and classrooms. She worked with Senator Ted Kennedy to pass the Genetic Nondiscrimination Act.

Senator SNOWE and I worked together on many, many bills over the years, but I will especially remember our work on the passengers' bill of rights to provide basic protections for airline passengers. I will also remember the many times we fought together to ensure equality for women around the world.

Senator SNOWE was a true leader and her presence in the Senate will be greatly missed.

Senator HUTCHISON was a strong and passionate voice for the issues important to her beloved State of Texas.

She played an critical role in so many of the important issues facing our country over the years, from her work ensuring the safety of our Nation as a senior member of the Senate Armed Services Committee to her leadership on the Senate Commerce Committee.

We worked together to promote safety and security for Afghan women and girls, and she played such a key role last during consideration of the transportation bill. I am so grateful for Senator HUTCHISON's bipartisan efforts to preserve and protect our critical transportation infrastructure.

Senator HUTCHISON has always noted that we women Senators have repeatedly come together across party lines to achieve action on women's issues: things like pay inequality and creating tax-free individual retirement accounts for spouses who work at home.

I will miss my colleagues, both on the Senate floor and at our monthly women Senators dinners.

I wish them both well in all their future endeavors.

KENT CONRAD

Mr. President, I rise today to pay tribute to my colleague, Senator KENT CONRAD, whom I have been fortunate to call a colleague and a friend. I have served with KENT for 20 years and my husband Stewart and I have valued the friendship of his and his wonderful wife Lucy Calautti.

From helping North Dakota recover from devastating natural disasters to promoting North Dakota agriculture as a key member of the Senate Agriculture Committee, KENT CONRAD has been a leader for North Dakota for more than 30 years.

No Senator knows budget and economic issues better than Senator CONRAD and he used his knowledge to great effect as chairman of the Senate Budget Committee. His exacting and precise assessments of our Nation's fiscal health added wisdom and maturity to a debate that was often difficult and divisive. His many budget charts alone are famous in the Senate—in fact, he uses even more charts on the floor than I do, which is saying something.

He refers to his policymaking approach as “extreme moderation”—an approach that perfectly sums up Senator CONRAD's philosophy and demeanor. Senator CONRAD is one of our most respected members, for his steady temperament, his open mind, and his willingness to reach across the aisle in search of policy solutions.

The Senate is losing a powerful voice, and great friend to us all in KENT CONRAD.

#### NOMINATION OF JOSHUA WRIGHT

Mrs. BOXER. Mr. President, I rise to register my concerns with the confirmation of Dr. Joshua Wright to be a Commissioner of the Federal Trade Commission, FTC.

The FTC's mission is to “prevent business practices that are anti-

competitive or deceptive or unfair to consumers and to enhance informed consumer choice and public understanding of the competitive process.”

Yet throughout his career, Dr. Wright has shown a disdain for this mission, and the government's involvement in protecting consumers.

As one example, Dr. Wright wrote that one government consumer protection agency's agenda was “aggressive and dangerous” and that its “existence is likely to do more harm than good for consumers.”

He has also sharply criticized the FTC, arguing it has been hampered by “a history and pattern of appointments evidencing a systematic failure to meet . . . expectations.”

Many consumer groups are also concerned about his confirmation to the FTC, noting that his antiregulation philosophy is far outside of the mainstream and runs counter to the mission of the FTC as an enforcement agency designed to protect consumers.

Dr. Wright was selected by Republican congressional leadership to fill a Republican position on the FTC, as required by statute. For this reason I did not block his confirmation, but I will be closely monitoring his activities at the FTC.

#### TRIBUTE TO DR. WAYNE SOUTHWICK

Mr. BARRASSO. Mr. President, today I wish to pay tribute to an outstanding orthopaedic surgeon, mentor and friend. Dr. Wayne Southwick has had a remarkable career. The author of over 100 peer reviewed journal articles, he has also received numerous awards for his work as a professor and chief of orthopaedic surgery at Yale University's School of Medicine. I had the privilege of learning from Dr. Southwick during my time at Yale. Dr. Southwick's unending dedication to educating the next generation of physicians has had a lasting impact on the medical profession.

Dr. Wayne Orin Southwick was born on February 6, 1923 in Lincoln, NE. He grew up in Friend, the same small town where his grandfather settled, just before Nebraska was admitted to the Union. Dr. Southwick attended high school in Friend, before entering the University of Nebraska, where he earned a B.A. in 1945 and an M.D. in 1947. During his time at the University of Nebraska, Dr. Southwick married the love of his life, Jessie Ann Seacrest.

While the vast majority of my remarks will focus on Dr. Southwick's professional accomplishments, I know that what he is most proud of is his loving family. Together, Wayne and Ann raised three children, Fred, Steven and Marcia. Steven has followed in his father's footsteps as a physician and professor of psychiatry at Yale. Wayne would be the first person to admit that all of his accomplishments would not have been possible without the support of his wife and children.

After graduation from medical school, the Southwick family moved to Boston, where Dr. Southwick completed an internship at Boston City Hospital and also served on the Harvard Surgical Service. He then began a residency in orthopaedic surgery at Johns Hopkins Hospital in Baltimore, MD. This experience was interrupted when Dr. Southwick joined the Navy to serve his country during the Korean War. He was assigned to both the hospital ship *Repose* and Bethesda Naval Hospital. His experience in the Navy cemented Dr. Southwick's commitment to public service and helping the less fortunate. Over the course of his career, he made repeated trips abroad to provide health care to people in underserved locations.

Dr. Southwick returned to Johns Hopkins after leaving the Navy and completed his residency in 1955. He worked as an assistant professor at Johns Hopkins before he was appointed as the first full-time chief of orthopaedic surgery at Yale in 1958. It is from this position that Dr. Southwick made a truly indelible mark.

Known as an innovative and creative surgeon, Dr. Southwick made tremendous contributions to the practice of medicine. In particular, he received recognition for his surgical management of slipped femoral capital epiphysis and approaches to the cervical spine. His name can be found in the index of most modern day surgery textbooks. However, what he probably will be remembered for most is his leadership of Yale's orthopaedic surgery residency program.

Over his tenure, nearly 100 residents completed orthopaedic surgery training at Yale. The program created by Dr. Southwick became a model for the rest of the Nation. Specifically, Dr. Southwick ensured that his program welcomed students from all backgrounds. For example, he accepted the first African American surgical resident, Dr. Augustus White, who went on to serve as the first African American department chief at Harvard's teaching hospitals. Dr. Southwick also recruited the first female African American orthopaedic surgery resident, Dr. Claudia Thomas, in 1975.

The American Association of Orthopaedic Surgeons recognized Dr. Southwick's commitment to diversity by awarding him AAOS's first Diversity Award in 2003. Dr. Terry Light, a former orthopaedic resident at Yale and president of the Academic Orthopaedic Society, described Dr. Southwick in this way, "Dr. Southwick never saw himself as a champion of civil rights nor as one who was trying to do good. He simply and honestly did what he felt was fair." Dr. Southwick simply noted, "I didn't take the approach that I was going to recruit a diverse group, rather I looked to gather an interesting, qualified group that would work well together. What I found was a highly capable group of people with diverse backgrounds."

Dr. Southwick remained as chief of orthopaedic surgery at Yale from 1958 until 1979. He left the faculty in 1993 and was appointed professor emeritus. Retirement allowed Dr. Southwick to concentrate on another passion of his life, sculpting. Some may see medicine and sculpture as unrelated endeavors, but Dr. Southwick understands that they have much in common. His thorough understanding of human anatomy allowed Dr. Southwick to create numerous works of art, many of which can be found on Yale's campus.

Dr. Southwick will be celebrating his 90th birthday with many of the surgeons whom he has trained. I could not let this event pass without recognizing his many accomplishments and impact on my own life. Over the years I have been lucky to call Dr. Southwick my mentor, colleague and friend. I know the entire Senate joins with me in commending Dr. Southwick on his remarkable career and wishing him a very happy birthday.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MAJOR MATT C. HASSON

• Mr. AKAKA. Mr. President, on the occasion to mark his completion of his service as an Air Force Fellow here in the United States Senate and subsequent transfer to the Pentagon, I wish to recognize Maj. Matt C. Hasson for his outstanding service to our country. In his 2012 assignment as an Air Force Fellow, he served as a member of my staff.

Major Hasson was born in Camden, NJ. He graduated from Greenway High School in Phoenix, AZ, in 1990. He holds a bachelor of arts degree in politics from Arizona State University and a master's degree in mass communications from San Diego State University. He is also a graduate of Air Command and Staff College, Squadron Officers School, and the Air Force Legislative Fellows program. Major Hasson has vast experience in the Middle East and Asia-Pacific region as well as a tour in Operation IRAQI FREEDOM.

In 1992, Major Hasson enlisted in the Air Force and completed basic training at Lackland AFB, TX. During his 6-year enlisted tour, he served as a firefighter at March AFB, CA and Charleston AFB, SC. Following completion of the Air Force ROTC program at San Diego State University, Major Hasson received his commission in 2000. From there, Major Hasson was assigned as the deputy chief for public affairs at Whiteman AFB, MO. Following his outstanding service at Whiteman AFB, he was promoted to chief of public affairs and reassigned to Fairchild AFB, WA. From there, the Air Force decided to send him to San Diego State University for an advanced degree.

After attaining his graduate degree, Major Hasson received an assignment as chief of executive outreach at U.S.

Central Command, MacDill AFB, FL. Major Hasson was there at a crucial juncture for the leaders at CENTCOM and did an outstanding job. He also served on several overseas deployments.

Following his assignment at CENTCOM, Major Hasson was sent to U.S. Pacific Command, in my home state of Hawaii. He was named the chief of new media for the command. Major Hasson thrived in his job as well as a member of the greater community in Hawaii. I was thrilled when I found out that he was assigned to my staff here in Washington, DC.

In 2012, Major Hasson was competitively selected to serve as an Air Force legislative fellow, and served in my Washington, DC office. He worked primarily on defense and veterans issues and made outstanding contributions in helping with my work on the Senate Veterans Affairs Committee as well as the Senate Armed Services Committee. His knowledge and work ethic were invaluable for me and my staff. While he primarily worked national security and veterans issues, Major Hasson also volunteered to do work in other areas including banking and health.

Matt has proven himself as an outstanding officer and leader. My office was better off for his efforts and I was happy that he was assigned to my office. Mahalo nui loa for his service. I wish him continued success in his career and a hui hou.●

#### MESSAGES FROM THE HOUSE

At 12:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution without amendment:

S. 2318. An act to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

S. 3331. An act to provide for universal intercountry adoption accreditation standards, And for other purposes.

S. 3472. An act to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements of such Act.

S.J. Res. 44. Joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6726. An act to prevent the 2013 pay adjustment for Members of Congress and persons holding other offices or positions in the Federal Government from being made.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 145. Concurrent resolution calling for universal condemnation of the North Korean missile launch of December 12, 2012.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1464) to develop a strategy for assisting stateless children from North Korea, and for other purposes.

#### ENROLLED BILL SIGNED

At 1:10 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 8. An act entitled the "American Taxpayer Relief Act of 2012".

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

At 2:21 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 443) to provide for the conveyance of certain property from the United States to the Manillaq Association located in Kotzebue, Alaska.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2076) to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 4212) to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 6328) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 6621) to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and to provide for expedited consideration of a bill providing for comprehensive tax reform, and for other purposes.

At 3:21 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 6586) to extend the application of certain space launch liability provisions through 2014.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 1464. An act to express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children.

H.R. 4365. An act to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies.

H.R. 6060. An act to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2019.

H.R. 6364. An act to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

S. 3454. An act to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 3630. An act to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office".

S. 3662. An act to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminister, Massachusetts, as the "Lieutenant Ryan Patrick Jones Post Office Building".

S. 3677. An act to make a technical correction to the Flood Disaster Protection Act of 1973.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

At 3:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, with an amendment and an amendment to the title, in which it requests the concurrence of the Senate:

S. 3250. An act to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6726. An act to prevent the 2013 pay adjustment for Members of Congress and persons holding other offices or positions in the Federal Government from being made; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES DISCHARGED

The following measure was discharged from the Committee on Health, Education, Labor, and Pensions and referred as indicated:

H.R. 6655. An act to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Finance.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 692, a bill to improve hurricane preparedness by establishing the National Hurricane Research Initiative, and for other purposes (Rept. No. 112-266).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 3716. A bill to amend the Internal Revenue Code of 1986 to include vaccines against seasonal influenza within the definition of taxable vaccines; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself, Mr. WEBB, Mr. MCCAIN, and Mr. WICKER):

S. Res. 630. A resolution congratulating the Navy and the current and former officers and crew of the U.S.S. Enterprise (CVN 65) on completion of the 26th and final deployment of the vessel; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 2215

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2215, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 630—CONGRATULATING THE NAVY AND THE CURRENT AND FORMER OFFICERS AND CREW OF THE "U.S.S. ENTERPRISE" (CVN 65) ON COMPLETION OF THE 26TH AND FINAL DEPLOYMENT OF THE VESSEL

Mr. WARNER (for himself, Mr. WEBB, Mr. MCCAIN, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 630

Whereas, on November 4, 2012, the U.S.S. Enterprise returned to her homeport of Norfolk, Virginia, after completing the 26th and final deployment of the vessel;

Whereas the U.S.S. Enterprise, the first nuclear powered aircraft carrier to serve the United States, was inactivated on December 1, 2012, after more than 51 years in active service to the Navy and the Nation;

Whereas the U.S.S. Enterprise is the 8th vessel to bear that name and justly and rightfully maintained the honor and tradition of those vessels that previously bore the name;

Whereas the U.S.S. Enterprise participated in the embargo of the island of Cuba ordered by President John Kennedy in the fall of 1962, helping to prevent an escalation of that crisis;

Whereas the U.S.S. Enterprise conducted multiple deployments in support of combat operations during the Vietnam War;

Whereas the U.S.S. Enterprise, upon receiving the news of the September 11, 2001, attacks on the United States while returning home from a six-month deployment, immediately reversed course and was deployed in the Arabian Sea;

Whereas the U.S.S. Enterprise launched hundreds of air strikes into Afghanistan in support of Operation Enduring Freedom throughout October 2001 to destroy Taliban and al Qaeda targets;

Whereas the U.S.S. Enterprise deployed six times over the last 11 years to conduct combat operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

Whereas the U.S.S. Enterprise and the 10 Nimitz-class aircraft carriers of the Navy have proven the wisdom and value of nuclear powered aircraft carriers, which have played crucial roles across the range of military operations, from humanitarian assistance to combat operations, including operations in Iraq and Afghanistan since the beginnings of hostilities, providing, from the sea, unparalleled precision strike, close air support, and surveillance in support of ground combat operations: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Navy and the many crews of the U.S.S. Enterprise (CVN 65) on having provided the United States an incalculable service in international relations and engagement and in the prevention and winning of armed conflicts over the 51-year period of the service of the U.S.S. Enterprise;

(2) honors the service and memory of the 117 Sailors who made the ultimate sacrifice for their country while serving onboard U.S.S. Enterprise, including the 30 that were killed in action during the Vietnam War;

(3) honors the service of the 22 U.S.S. Enterprise Sailors who were held as Prisoners of War during the Vietnam War, the 3 who died in captivity, and the 3 that are still listed as missing-in-action; and

(4) congratulates the nearly 100,000 current and former Sailors and thousands of current and former Marines who have served on the U.S.S. Enterprise and thanks them for the selfless sacrifice they made in service to the United States.

#### NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2012 fourth quarter Mass Mailing report is Friday, January 25, 2013. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to

the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Senate Office of Public Records will be open from 9:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Senate Office of Public Records at (202) 224-0322.

#### LETTER OF RESIGNATION

The PRESIDING OFFICER. The Chair lays before the Senate the letter of resignation of Senator JIM DEMINT of South Carolina, which shall be printed in the RECORD.

The letter follows:

U.S. SENATE,

Washington, DC, December 20, 2012.

Hon. NIKKI HALEY,

Governor, State of South Carolina.

DEAR MADAM GOVERNOR: I hereby give notice of my retirement from the Office of United States Senator from the State of South Carolina. Therefore, I tender my resignation effective at 11:59 p.m., January 1, 2013.

Respectfully Submitted,

JIM DEMINT,

U.S. Senate.

#### EXECUTIVE SESSION

#### NOMINATION OF ERICA LYNN GROSHEN TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the HELP Committee be discharged from further consideration of the following nomination: PN 1404; that the Senate proceed to vote without intervening action or debate on the nomination; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Erica Lynn Groshen, of New York, to be Commissioner of Labor Statistics, Department of Labor?

The nomination was confirmed.

#### NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the Foreign Relations Committee be discharged from further consideration of the following nominations: PN 1928, and PN 1951; that the nominations be confirmed; the motions to reconsider be considered made and laid upon the table; that no further motions be in

order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### FOREIGN SERVICE

Deborah Ann McCarthy, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

Robert F. Godec, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

#### AUTHORIZING THE ISSUANCE OF RIGHT-OF-WAY PERMITS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 4606.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4606) to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be made and laid on the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4606) was ordered to a third reading, was read the third time, and passed.

#### PROTECT OUR KIDS ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the HELP committee be discharged from further consideration of H.R. 6655 and that it be referred to the Committee on Finance. I further ask that the Finance Committee be discharged from further consideration of H.R. 6655 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 6655) to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, Nelson Mandela, former president of South Africa once said "Safety and security don't just happen; they are the result

of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free of violence and fear."

Today, I am proud to join with Senators KERRY, COLLINS, CARDIN, SHAHEEN, SNOWE, and CONRAD to introduce the Protect Our Kids Act. This legislation would establish a task force dedicated to reducing child deaths from child abuse and neglect. Child welfare professionals, law enforcement officers, and other child abuse prevention experts.

Since 2002, more than 15,000 children have died due to abuse and neglect. This number is based on state-reported Child Protection Services data. But advocates predict the true number is far greater.

Unfortunately, we do not have clear facts about the number of child abuse and neglect fatalities.

Some children may have died from child abuse and neglect, even if they were not involved with the Child Protective Services system or their deaths were not reported as due to abuse or neglect. We know little about these deaths since there is no standard means of collecting this data across States. And not all State child protection agencies seek information considering child abuse or neglect fatalities from other agencies or offices like vital statistics, medical examiners, or law enforcement.

We need to learn more about the deaths of these children, so that we can prevent the senseless murders of other children. Our children deserve to be protected from fear and terror especially when the threat to their safety and well-being comes from those that should cherish them the most.

According to Child Protection Services data, in Montana we reported zero fatalities from child abuse and neglect last year. That is fantastic news. But there could be abuse or deaths not reported or not collected by Child Protection Services. So I am urging my State to lift the standard even higher. Child Protection Services needs to coordinate with other agencies for more data so that we can be sure that all Montana kids are safe.

Our Nation must embrace its responsibility to protect our children. And we need to provide our children with mental health challenges the support they need to not only survive but to thrive as members of our society.

We need to make sure that kids have access to physical and mental health services, so they can grow up into happy, productive adults. We need to help kids with mental illnesses by reducing the stigma surrounding mental health services and ensuring that kids know there is a support network backing them up. We have to use every resource at our disposal to prevent abuse and ensure mental health support. We should look at programs like home visiting, which currently provides professional assistance, right at home, for over 50,000 families across our nation,

and see how they can be improved to do an even better job supporting vulnerable families.

This legislation is a step in the right direction to protect kids. I commend my colleagues Senators KERRY and COLLINS for their years of work on this issue. Our colleagues in the House of Representatives have already acted on this legislation. Let us now join together and create a life free of violence and fear for our most vulnerable citizens. Let us pass the Protect Our Kids Act.

Ms. COLLINS. Mr. President, I rise today to praise the passage of the "Protect Our Kids Act," which will create a commission with the goal of eliminating child abuse fatalities. The effort to address child abuse transcends ideological and partisan lines. This is not a Democratic or Republican issue—this is an American issue—one that we can't wish away, but that we must face head on and work to eradicate. Senator KERRY and I originally introduced the Protect Our Kids Act last year, and I am pleased that we have moved forward with this critical, updated legislation. Senator KERRY and I also introduced a resolution recognizing April as Child Abuse Prevention Month. The passage of the Protect Our Kids Act further represents our commitment to put an end to child abuse in the United States.

Child abuse fatalities are preventable; yet, approximately 1,770 children are reported as dying from child abuse each year, and many experts believe the actual number may be significantly higher. This legislation would establish a commission to develop a national strategy for reducing child abuse fatalities. The commission will include a variety of professionals with expertise in areas such as child welfare advocacy, child development, pediatrics, medical examining, social work, law enforcement and education.

Through new research, hearings and the use and coordination of existing information, the commission will provide a report with its recommendations for developing a comprehensive national strategy for reducing child abuse fatalities. Increased understanding of maltreatment deaths can lead to improvement in agency systems and practices to protect children and prevent child abuse and neglect. Therefore, it is imperative that we take action to capitalize on the commission's findings. This legislation requires the commission's report to be submitted to relevant Federal agencies and Congressional committees. All agencies with recommendations that fall under their jurisdiction must then submit their reaction and plans to address such recommendations to Congress within 6 months.

Approximately 6 million kids are reported to be abused or neglected each year. We know this can be prevented. This legislation is an important step that Congress and our Nation should take in order to better protect our kids.

Mr. REID. I know of no further debate on this matter.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. If there is no further debate, the question is, Shall the bill pass.

The bill (H.R. 6655) was passed.

Mr. REID. I ask unanimous consent that the motion to reconsider be considered made and laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEFINING TAXABLE VACCINES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3716.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3716) to amend the Internal Revenue Code of 1986 to include vaccines against seasonal influenza within the definition of taxable vaccines.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3716) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3716

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ADDITION OF VACCINES AGAINST SEASONAL INFLUENZA TO LIST OF TAXABLE VACCINES.

(a) IN GENERAL.—Subparagraph (N) of section 4132(a)(1) of the Internal Revenue Code of 1986 is amended by inserting "or any other vaccine against seasonal influenza" before the period.

(b) EFFECTIVE DATE.—

(1) SALES, ETC.—The amendment made by this section shall apply to sales and uses on or after the later of—

(A) the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act, or

(B) the date on which the Secretary of Health and Human Services lists any vaccine against seasonal influenza (other than any vaccine against seasonal influenza listed by the Secretary prior to the date of the enactment of this Act) for purposes of compensation for any vaccine-related injury or death through the Vaccine Injury Compensation Trust Fund.

(2) DELIVERIES.—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

# CONGRATULATING THE NAVY ON "U.S.S. ENTERPRISE" FINAL DE- PLOYMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 630.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 630) congratulating the Navy and the current and former officers and crew of the U.S.S. Enterprise (CVN 65) on completion of the 26th and final deployment of the vessel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The resolution (S. Res. 630) was agreed to.

The preamble was agreed to.

The preamble, with its preamble, reads as follows:

## S. RES. 630

Whereas, on November 4, 2012, the U.S.S. Enterprise returned to her homeport of Norfolk, Virginia, after completing the 26th and final deployment of the vessel;

Whereas the U.S.S. Enterprise, the first nuclear powered aircraft carrier to serve the United States, was inactivated on December 1, 2012, after more than 51 years in active service to the Navy and the Nation;

Whereas the U.S.S. Enterprise is the 8th vessel to bear that name and justly and rightfully maintained the honor and tradition of those vessels that previously bore the name;

Whereas the U.S.S. Enterprise participated in the embargo of the island of Cuba ordered by President John Kennedy in the fall of 1962, helping to prevent an escalation of that crisis;

Whereas the U.S.S. Enterprise conducted multiple deployments in support of combat operations during the Vietnam War;

Whereas the U.S.S. Enterprise, upon receiving the news of the September 11, 2001, attacks on the United States while returning home from a six-month deployment, immediately reversed course and was deployed in the Arabian Sea;

Whereas the U.S.S. Enterprise launched hundreds of air strikes into Afghanistan in support of Operation Enduring Freedom throughout October 2001 to destroy Taliban and al Qaeda targets;

Whereas the U.S.S. Enterprise deployed six times over the last 11 years to conduct combat operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

Whereas the U.S.S. Enterprise and the 10 Nimitz-class aircraft carriers of the Navy have proven the wisdom and value of nuclear powered aircraft carriers, which have played crucial roles across the range of military operations, from humanitarian assistance to combat operations, including operations in Iraq and Afghanistan since the beginnings of hostilities, providing, from the sea, unparalleled precision strike, close air support, and surveillance in support of ground combat operations: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Navy and the many crews of the U.S.S. Enterprise (CVN 65) on having provided the United States an incalculable service in international relations and engagement and in the prevention and winning of armed conflicts over the 51-year period of the service of the U.S.S. Enterprise;

(2) honors the service and memory of the 117 Sailors who made the ultimate sacrifice for their country while serving onboard U.S.S. Enterprise, including the 30 that were killed in action during the Vietnam War;

(3) honors the service of the 22 U.S.S. Enterprise Sailors who were held as Prisoners of War during the Vietnam War, the 3 who died in captivity, and the 3 that are still listed as missing-in-action; and

(4) congratulates the nearly 100,000 current and former Sailors and thousands of current and former Marines who have served on the U.S.S. Enterprise and thanks them for the selfless sacrifice they made in service to the United States.

## ORDERS FOR THURSDAY, JANUARY 3, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today and when it convenes tomorrow, January 3, 2012, at 12 noon, pursuant to the Constitution, following the prayer and pledge and following the presentation of the certificates of election and the swearing-in of elected Members, and the required live quorum, the morning hour be expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, there will be a live quorum at noon, which will be followed by the swearing in of new and recently reelected Senators.

## ADJOURNMENT UNTIL TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:07 p.m., adjourned until Thursday, January 3, 2013.

## DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination by unanimous consent.

\*Erica Lynn Groshen, of New York, to be Commissioner of Labor Statistics, Department of Labor, for a term of four years.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent.

Deborah Ann McCarthy, of Florida, a Career Member of the Senior Foreign Service,

Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

Nominee: Deborah Ann McCarthy.

Post: Lithuania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: N/A.
3. Children and spouses: Natalia Alexander: none.
4. Parents: Natalia W. McCarthy, (Mother)—none; George E. McCarthy—deceased.
5. Grandparents: deceased.
6. Brothers and spouses: George E. McCarthy—None; Teresa McCarthy—none.
7. Sisters and spouses: Linda McCarthy Milone—none; Paul Milone—none; Diana McCarthy Bernard—none.

Robert F. Godec, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Nominee: Robert F. Godec.

Post: Nairobi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children and spouses: N/A.
4. Parents: Nancy Dietrich—none; Ivan Dietrich—none for Federal campaigns; Warren D. Magnusson—deceased; Flora Magnusson—deceased.
5. Grandparents: Ovid Meyer—deceased; Lyda Meyer—deceased; Frank Godec—deceased; Ophelia Mildred Godec—deceased.
6. Brothers and spouses: Mark Godec—none; James Godec—\$1000, 4/13/12, Romney Victory Inc.; Elyse Godec—none.
7. Sisters and spouses: N/A.

\*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

## CONFIRMATIONS

Executive nominations confirmed by the Senate January 2, 2013:

### DEPARTMENT OF LABOR

ERICA LYNN GROSHEN, OF NEW YORK, TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR, FOR A TERM OF FOUR YEARS.

### DEPARTMENT OF STATE

DEBORAH ANN MCCARTHY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

ROBERT F. GODEC, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.